United Nations A/59/549

General Assembly

Distr.: General
2 November 2004

Original: English

Fifty-ninth session
Agenda item 121
Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

First performance report of the International Criminal Tribunal for Rwanda for the biennium 2004-2005

Report of the Secretary-General*

Summary

The first performance report of the International Criminal Tribunal for Rwanda for the biennium 2004-2005 is presented pursuant to General Assembly resolution 58/253 of 23 December 2003. The report reflects a net additional requirement of $18.2 million, net of staff assessment, over the initial appropriation for the biennium 2004-2005. The increased requirements reflect changes arising from variations to budgetary assumptions and the provision of resources for the Investigations Division for 2005. The Assembly is requested to revise the appropriation for 2004-2005 in the amount of $255,909,500 gross ($231,506,500 net) to the Special Account for the International Criminal Tribunal for Rwanda.

* The report was delayed because of extensive consultation with the Tribunal.

04-58718 (E) 191104

Contents

		Paragraphs	Page
I.	Introduction	1–4	3
II.	Explanation of the changes in net requirements	5–32	4
	A. Variations in budgetary assumptions	6–9	5
	B. Requirements of the Investigations Division for 2005	10–32	6
III.	Conclusions and recommendations	33–34	11
Annexes			
I.	Investigations Division, 2005: proposed organigramme		12
II.	Budgetary assumptions		13
III.	Outreach programme		14
IV.	Progress report on the legal aid system		26

I. Introduction

1. The primary purpose of the first performance report is to identify adjustments to the initial appropriation owing to fluctuations in the rates of exchange and inflation and adjustments to standard costs assumed in the calculation of the initial appropriation.

2. In addition to identifying variations in the costing parameters, the present report takes into consideration decisions taken by the General Assembly in its resolution 58/253 of 23 December 2003, whereby the Assembly, inter alia, decided to approve an initial appropriation for the biennium 2004-2005 in the amount of $235,324,200 gross ($213,275,500 net). By the same resolution, the Assembly decided to approve the proposed resources for the Investigations Division for 2004 and to defer consideration of the resource requirements for the Investigations Division for 2005 until its fifty-ninth session.

3. Accordingly, the present report includes both the technical adjustments of the first performance report as well as the resource requirements of the Investigations Division for the year 2005. It also takes into account a one-time adjustment of $5,062,000 reflecting savings accruing because of economy measures applied during 2004.

4. The revised estimates proposed in the present report reflect an increase of $20,585,300 gross ($18,231,000 net) as compared with the level of the initial appropriation. The distribution of the projected changes and the proposed revised appropriation for the International Criminal Tribunal for Rwanda for the biennium 2004-2005 are set out in tables 1 and 2.

Table 1
Summary of projected expenditures by components and main determining factors
(Thousands of United States dollars)

		Projected changes					
Component	*2004-2005 appropriation*[a]	*Exchange rate*	*Inflation*	*Standards*	*Other changes*[b]	*Total*	*Proposed revised appropriation*
Chambers	9 789.6	(123.4)	(9.1)	-	-	(132.5)	9 657.1
Office of the Prosecutor	48 773.9	(2 615.3)	5 831.2	1 647.3	14 221.5	19 084.7	67 858.6
Registry	176 760.7	(6 958.3)	10 136 1	3 517.3	-	6 695.1	183 455.8
Total requirements (gross)	**235 324.2**	**(9 697.0)**	**15 958.2**	**5 164.6**	**14 221.5**	**25 647.3**	**260 971.5**
Income							
Staff assessment	22 048.7	(452.6)	442.0	730.8	1 634.1	2 354.3	24 403.0
Total requirements (net)	**213 275.5**	**(9 244.4)**	**15 516.2**	**4 433.8**	**12 587.4**	**23 293.0**	**236 568.5**
Projected savings for 2004							(5 062.0)
Total requirements (net) after savings							**231 506.5**

[a] As approved in resolution 58/253.
[b] Pursuant to paragraph 19 of resolution 58/253.

Table 2
Summary of projected expenditures by object of expenditure and main determining factors
(Thousands of United States dollars)

		Projected changes					
Object of expenditure	*2004-2005 appropriation*[a]	*Exchange rate*	*Inflation*	*Standards*	*Other changes*[b]	*Total*	*Proposed revised appropriation*
Posts	145 921.0	(6 842.2)	15 664.0	4 433.8	12 037.4	25 293.0	171 214.0
Other staff costs	5 047.6	(225.3)	(15.3)	-	-	(240.6)	4 807.0
Non-staff compensation	9 267.5	(123.4)	(9.0)	-	-	(132.4)	9 135.1
Consultants and experts	813.7	(45.2)	12.4	-	-	(32.8)	780.9
Travel of representatives	522.1	-	(0.1)	-	-	(0.1)	522.0
Travel of staff	5 462.4	-	0.0	-	550.0	550.0	6 012.4
Contractual services	22 064.7	(982.9)	(81.4)	-	-	(1 064.3)	21 000.4
General operating expenses	13 114.1	(594.8)	(25.6)	-	-	(620.4)	12 493.7
Hospitality	6.9	(0.4)	(0.1)	-	-	(0.5)	6.4
Supplies and materials	3 341.4	(149.0)	(11.5)	-	-	(160.5)	3 180.9
Furniture and equipment	5 807.2	(259.7)	(16.4)	-	-	(276.1)	5 531.1
Improvement of premises	476.6	(21.5)	(0.8)	-	-	(22.3)	454.3
Grants and contributions	1 430.3	-	-	-	-	-	1 430.3
Staff assessment	22 048.7	(452.6)	442.0	730.8	1 634.1	2 354.3	24 403.0
Total requirements (gross)	**235 324.2**	**(9 697.0)**	**15 958.2**	**5 164.6**	**14 221.5**	**25 647.3**	**260 971.5**
Income							
Staff assessment	22 048.7	(452.6)	442.0	730.8	1 634.1	2 354.3	24 403.0
Total requirements (net)	**213 275.5**	**(9 244.4)**	**15 516.2**	**4 433.8**	**12 587.4**	**23 293.0**	**236 568.5**
Projected savings for 2004							(5 062.0)
Total requirements (net) after savings							**231 506.5**

[a] As approved in resolution 58/253.
[b] Pursuant to paragraph 19 of resolution 58/253.

II. Explanation of the changes in net requirements

5. The adjustments required to the initial appropriation as a result of the main determining factors reflected in tables 1 and 2 would yield an increase of $20,585,300 for a total revised appropriation of $255,909,500. Details are as follows:

	(Thousands of United States dollars)	
Initial appropriation (resolution 58/253)	235 324.2	23 December 2003
(a) Variations in budgetary assumptions		
Changes in exchange rates	(9 697.0)	(Based on United Nations operational rates of exchange)
Changes in inflation assumptions	15 958.2	(Based on consumer price indices, post adjustment multipliers promulgated and actual versus budgeted cost-of-living adjustments)
Adjustments to standard salary costs	5 164.6	(Based on analysis of actual payroll data, common staff costs, and staff assessment provisions consequent upon consolidation of post adjustment)
(b) Requirements of the Investigations Division for 2005	14 221.5	(Paragraph 19 of resolution 58/253)
(c) Projected savings for 2004	(5 062.0)	
Revised appropriation	**255 909.5**	

A. Variations in budgetary assumptions

Changes in exchange rates and in inflation assumptions (increase: $6,261,200)

6. The increase in this category is attributable to the impact of changes in inflation ($15,958,200), offset by favourable rates of exchange ($9,697,000) of the United States dollar, primarily against the Tanzanian shilling and Rwanda franc. In the present performance report, the realized exchange rates from January to October 2004 have been applied to 2004 and the October 2004 exchange rate applied to November and December 2004. The resulting figures for 2004 have also been used for 2005. Adjustments resulting from actual experience in 2005 would be implemented in the second performance report. With regard to the revised projected inflation rates applied to all objects of expenditure, the adjustments are based on the latest information available on consumer price indices as well as adjustments resulting from differences in actual post adjustment multipliers for staff in the Professional category and above and actual cost-of-living adjustments of salary scales for staff in the General Service and related categories compared with the assumptions made in the initial appropriations. The revised projected inflation rates proposed are derived from the period from January 2004 to October 2004 and projections are based on data used by the International Civil Service Commission.

Adjustments to standard salary costs (increase: $5,164,600)

7. The increase of $5,164,600 under this heading reflects the net effect of changes to standard costs, common staff costs, vacancy rates and staff assessment rates. Revisions to standard salary costs for 2004 are based on the actual averages experienced so far in the biennium, by category and level. Projections for 2005 are based on the trends experienced in 2004.

8. Common staff costs are budgeted as a percentage of net salaries. Expenditures under common staff costs relate to allowances and benefits, appointment, transfer and separation of staff. These refer to experience relating to the realized ratio of common staff costs to salaries for the biennium 2002-2003.

9. In its resolution 58/253, the General Assembly decided that the average vacancy rate of 18.2 per cent for staff in the Professional and higher categories and 9.7 per cent for staff in the General Service and related categories shall be used as a basis for the calculation of the budget for the biennium 2004-2005. While the average vacancy rate for the biennium can only be determined at the end of that period, on the basis of experience in the biennium to date, the 2004 realized level of vacancies has been 15.1 per cent for staff in the Professional and higher categories and 8.9 per cent for staff in the General Service and related categories. The adjustment to standards to reflect the actual 2004 vacancy factor affects only the budgetary requirements for 2004 and would have no impact on the ability of the Tribunal to recruit in 2005, subject to the lifting of the recruitment freeze owing to the financial situation of the Tribunal. For budgetary calculation purposes for 2005, the initial appropriation vacancy rates of 18.2 per cent for staff in the Professional and higher categories and 9.7 per cent for staff in the General Service and related categories have been retained.

B. Requirements of the Investigations Division for 2005

Table 3
Post requirements of the Investigations Division for the biennium 2004-2005

Category	*Approved 2004*	*Proposed 2005*	*Net additional requirements*
Professional and above			
D-1	1	1	-
P-5	3	3	-
P-4	8	8	-
P-3	49	49	-
P-2/P-1	27	27	-
General Service			
GS (OL)	12	12	-
LL	6	6	-
Total	**106**	**106**	**-**

10. In its resolution 58/253, the General Assembly approved the proposed staffing table for the Tribunal for the biennium 2004-2005, as recommended by the Advisory Committee on Administrative and Budgetary Questions, except for the proposed post and non-post resources of the Investigations Division for 2005, for which the Assembly deferred consideration until its fifty-ninth session. In this regard, the Assembly requested the Secretary-General to submit, in the context of the Tribunal's first performance report for the biennium 2004-2005, a proposal for the resource requirements of the Investigations Division for 2005 and to ensure that the proposal is adequate for the effective implementation of the completion strategy. In response

to that request, the Tribunal has assessed its requirements for 2005 with respect to investigative resources in order to provide support to the Office of the Prosecutor in carrying out pre-trial, trial and appellate work as from 1 January 2005.

11. The point of departure for the proposed requirements of the Investigations Division for 2005 is that the Tribunal would continue to rationalize and streamline its work while ensuring that its resources and activities support the implementation of the revised completion strategy of the Prosecutor.[1] The present proposal takes into consideration paragraph 3 of Security Council resolution 1534 (2004), whereby the Council emphasizes the importance of fully implementing the completion strategies, as set out in paragraph 7 of its resolution 1503 (2003), which calls on the International Criminal Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda to take all possible measures to complete investigations by the end of 2004.

12. Notwithstanding that, the Office of the Prosecutor will be required to maintain its investigative capacity to continue to provide support in respect of preparation of cases for trial, actual trial support, tracking of indicted fugitives and crucial witnesses, coordination of confidential sources and sensitive witnesses, supporting appeals and preparation of cases earmarked for transfer to national jurisdiction. This work is essential not only for the effective implementation of the completion strategy but also for the conduct of criminal trials.

13. Since the first trial started in January 1997, the Tribunal has handed down 15 judgements involving 21 accused. Of these, 18 were convicted and 3 acquitted. Six of these convicts are serving sentences in Mali.

14. As of June 2004, there were seven trials in progress involving 21 detainees in the United Nations Detention Facility in Arusha. Four of these trials are very voluminous: the Butare Case (six accused), the Military I Case (four accused), the Government Case (four accused) and Karemera et al. (four accused). The last two trials commenced in November 2003 and are at a relatively early stage. Two single-accused trials (Gacumbitsi and Ndindabahizi) commenced in July and September 2003, respectively, and the Muhimana trial (one accused) started on 29 March 2004. Judgement for these three single-accused trials is expected in 2004. For the remainder of 2004, it is anticipated that three additional trials involving six detainees will commence. Two of these cases (Simba and Seromba) are single-accused trials and judgements are expected in early 2005. The Military II Case, involving four accused, is expected to conclude in late 2006. Therefore, by the end of 2004, there will be 27 detainees whose trials have either been completed or commenced.

15. Furthermore, by the end of 2004, there will be 15 detainees in Arusha awaiting trial. As requested by the Security Council in its resolution 1534 (2004), the Prosecutor will focus on the most senior leaders suspected of being most responsible for crimes committed within the jurisdiction of the International Criminal Tribunal for Rwanda. On this basis, the Prosecutor intends to transfer the cases of 5 of these detainees to national jurisdiction for trial and to bring to trial the remaining 10 detainees from 2005 onwards. Of these 10 detainees, the Prosecutor intends to bring 8 to trial during 2005. These single-accused trials will consist of Mpambara, Muvunyi, Zigiranyirazo, Karera, Bisengimana, Bikindi, Gatete and Renzaho. These trials will require the Prosecutor to complete investigative activities relating to trial preparation as well as trial support. It is anticipated that the remaining two detainees will be brought to trial from 2006 onwards.

16. It is estimated that during 2005 there will be 13 cases in trial, 8 new cases and 5 existing cases, involving 30 accused (Mpambara, Muvunyi, Zigiranyirazo, Karera, Bisengimana, Bikindi, Gatete, Renzaho, Butare, Military I, Government, Karemera et al. and Military II). With respect to appeals, five appeals involving eight accused (Cyangugu (3 accused); Media (3 accused); Kamuhanda (1 accused); Semanza (1 accused); Kajelijeli (1 accused)) will be proceeding on the merits in 2005. Furthermore, the Appeals Section anticipates that five additional appeals, involving five accused, will commence in 2005 (Gacumbitsi, Ndindabahizi, Muhimana, Simba, Seromba).

17. The activities of the Investigations Division can be divided into three interrelated categories: (i) conventional investigations or investigations into new targets aimed at establishing the commission of an offence, the identification of suspects and the collection of evidence to prove allegations against them; (ii) trial preparation investigation aimed at finding supplementary evidence for a case that is destined for trial, to prepare a case for indictment confirmation and subsequently for trial and to deal with logistical matters, including witnesses, that are necessary to make a case trial ready; and (iii) trial support investigation necessitated by the exigencies of an ongoing trial.

18. As at the time of the present report, conventional investigations account for 25 per cent of the workload of the Investigations Division. Owing to the steady but significant increase in the number of cases brought to trial, the remaining 75 per cent of the current workload will continue to focus on trial support, trial preparation, support for ongoing appeals, the tracking and arrest of indicted fugitives and the preparation of cases for transfer to national jurisdictions.

19. The Office of the Prosecutor anticipates an increased workload for the Investigations Division in 2005 as a result of the increase in the number of simultaneous trials from five to six and the need to prepare a larger number of cases for trial during 2005.

20. Furthermore, it expects that three of its big trials will be concluded either during 2005 or early in 2006. The Prosecutor plans to have all indictments on new investigation targets confirmed before the end of October 2005. This presupposes a demand for trial preparation investigation necessary for preparation and confirmation of indictments. The expectation is therefore that there will be an additional demand for trial preparation investigation work during 2005.

Resource requirements

21. The Investigations Division is based in Kigali and headed by a Chief of Investigations (D-1) who is responsible for formulating and implementing a strategy for providing trial support, directing and managing the activities of the Investigations Division, liaising at the senior level with relevant authorities of the Rwandan Government and acting as a link between the Office of the Prosecutor in Arusha and the Investigations Division in Rwanda. The Chief of Investigations is also empowered to interrogate suspects, interview witnesses and victims, take statements from witnesses and gather evidence against presumed perpetrators of crimes falling under the jurisdiction of the Tribunal. The Chief of Investigations is supported by three Commanders at the P-5 level who provide management and tactical support, including the coordination of the trial support team and the appeals team. **The Division proposes to retain all four posts.**

Support for pre-trial, trial and appeals

Table 4
Breakdown of posts within the Investigations Division

Category	*Office of the Chief*	*Trial support*	*Pre-trial*	*Appeals*	*Intelligence and tracking*	*Common support for trials*[a]	*Total*
Professional and above							
D-1	1	-	-	-	-	-	1
P-5	1	1	-	1	-	-	3
P-4	-	1	3	-	1	3	8
P-3	-	21	11	3	8	6	49
P-2/P-1	3	5	18	1	-	-	27
Subtotal	**5**	**28**	**32**	**5**	**9**	**9**	**88**
General Service							
GS (OL)	2	1	1	-	-	8	12
LL	-	-	-	-	-	6	6
Subtotal	**2**	**1**	**1**	**-**	**-**	**14**	**18**
Total	**7**	**29**	**33**	**5**	**9**	**23**	**106**

[a] Includes support for crime and evidence analysis, legal advice, management of sensitive and difficult sources and witnesses as well as support for archiving, administration and linguistic services.

22. It is anticipated that during 2005 there would be five ongoing active trials, including four cases involving multiple accused. This would result in a proposed staffing level of 27 investigators for trial support (1 P-4, 21 P-3 and 5 P-2) under the supervision and coordination of a team leader at the P-5 level.

23. For pre-trial investigative support, the Tribunal would require a staffing complement of 32 investigators (3 P-4, 11 P-3 and 18 P-2) to support eight new trials.

24. A reduced investigative capacity would be required to support the Appeals Section. The investigative team supporting appellate work would consist of 4 investigators (3 P-3 and 1 P-2) under the supervision and coordination of a team leader at the P-5 level.

25. The Tribunal would require a complement of 63 investigators (4 P-4, 35 P-3 and 24 P-2) for direct pre-trial, trial and appeal support activities as of 1 January 2005.

Intelligence and tracking team

26. The Intelligence Tracking Team Unit is responsible for tracking the whereabouts of indictees with a view to providing timely intelligence to Governments, organizations and entities with arrest capabilities. The Investigations Division is tracking people who were once in power in Rwanda. Recently, the joint effort resulted in the arrest of Yusuf Munyakazi in the Democratic Republic of the Congo, Gaspard Kanyarukiga in South Africa and Ephrem Setako in the Netherlands. As at the time of the present report, the Division is investigating 15 new targets. It is possible that some of those will die and that the Prosecutor may not indict others or transfer some of them to national

jurisdictions. Based on this consideration, the Division estimates that the number of fugitives to track is likely to increase by another 10 when current investigations are completed and indictments are confirmed in 2005. The Unit consists of nine posts (1 P-4 and 8 P-3). In order for the Unit to continue to carry out its functions, the Division proposes to retain the existing staffing component.

27. The Tribunal anticipates a staffing level of six analysts and two legal advisers to provide support to the pre-trial and trial investigative teams in 2005, including five Criminal evidence analysts (1 P-4 and 4 P-3), one Evidence manager at the P-3 level and two Legal Officers at the P-4 level. Three posts at the P-2 level would be required for special assignments. These are regular investigators who work under the direct supervision of the Chief of Investigations. In addition to their normal trial support investigations work, the Chief of Investigations assigns them to special projects from time to time. Such projects include dealing with sensitive and difficult sources and witnesses.

Archiving, administrative and linguistic support

28. The work of the Investigations Division generates large volumes of documents that need to be professionally managed and archived at the end of the mandate of the Tribunal. The Division therefore needs to retain one post of Archivist at the P-3 level.

29. The Investigations Division is currently provided support by 18 posts at the General Service level: four Bilingual Secretaries; one Trial Support Assistant; five Administrative Assistants; one Investigator's Assistant; one Security Officer; and six Language Assistants. The Division proposes to retain all 18 posts.

Summary of requirements of the Investigations Division for 2005

30. The proposed post structure for the Investigations Division for 2005 relates to the continuation of the staffing component approved in 2004, namely 106 temporary posts (88 at the Professional and above categories and 18 posts in the General Service category).

31. The resources under post and staff assessment in the amount of $12,037,400 and $1,634,100, respectively, would provide for the continuation of the aforementioned posts within the Investigations Division for 2005. The requirements relating to staff assessment will be offset by a corresponding amount under income from staff assessment.

32. As explained in the preceding paragraphs, it is anticipated that there will be a continuing need for investigative staff to support pre-trial, trial and appellate work during 2005. In this connection, there would be a continuing need for travel resources. The requirements for travel in 2005 relate to an estimated 280 trips to countries in West and East Africa, Europe and North America as well as travel within Rwanda. Owing to the shift in the nature of the work of the Division from conventional investigations to trial preparation and trial support, it is estimated that roughly 70 per cent of these trips would be made in Rwanda (200 trips) and the remaining 30 per cent outside Rwanda (80 trips) to countries in West and East Africa, Europe and North America. Accordingly, the proposed requirements under official travel of the Investigations Division for 2005 would amount to $550,000.

III. Conclusions and recommendations

33. On 24 June 2004, both the President of the General Assembly and the Security Council were apprised of the serious financial situation facing the Tribunal owing to the failure of Member States to pay their assessed contributions in full and on time. They were also informed that as of May 2004, steps had been taken to freeze recruitment and scale down operations. In addition, the Tribunal has since been receiving authorization to spend (allotments) on a monthly basis. As a consequence of the foregoing, projected expenditures for 2004 reflect a savings of $5,062,000 as compared to the appropriation for 2004. These projected 2004 savings are mainly due to the decision to defer the acquisition of goods and services, curtailment of non-Court related travel and other economy measures. The General Assembly may wish to utilize this savings in approving the revised appropriation for the Tribunal for the biennium 2004-2005.

34. Accordingly, the General Assembly may wish to:

(a) Take note of the present report;

(b) Decide to approve the staffing for the Investigations Division for 2005 as reflected in table 3;

(c) Decide to approve the resource requirement for investigative travel for 2005 in the amount of $550,000;

(d) Decide to offset, in part, the additional requirement in (b) and (c) above by the projected savings in the amount of $5,062,000;

(e) Decide to revise the initial appropriation for the biennium 2004-2005 in the amount of $255,909,500 gross ($231,506,500 net) to the Special Account for the International Criminal Tribunal for Rwanda (see table 5).

Table 5
Financing of the International Criminal Tribunal for the biennium 2004-2005
(United States dollars)

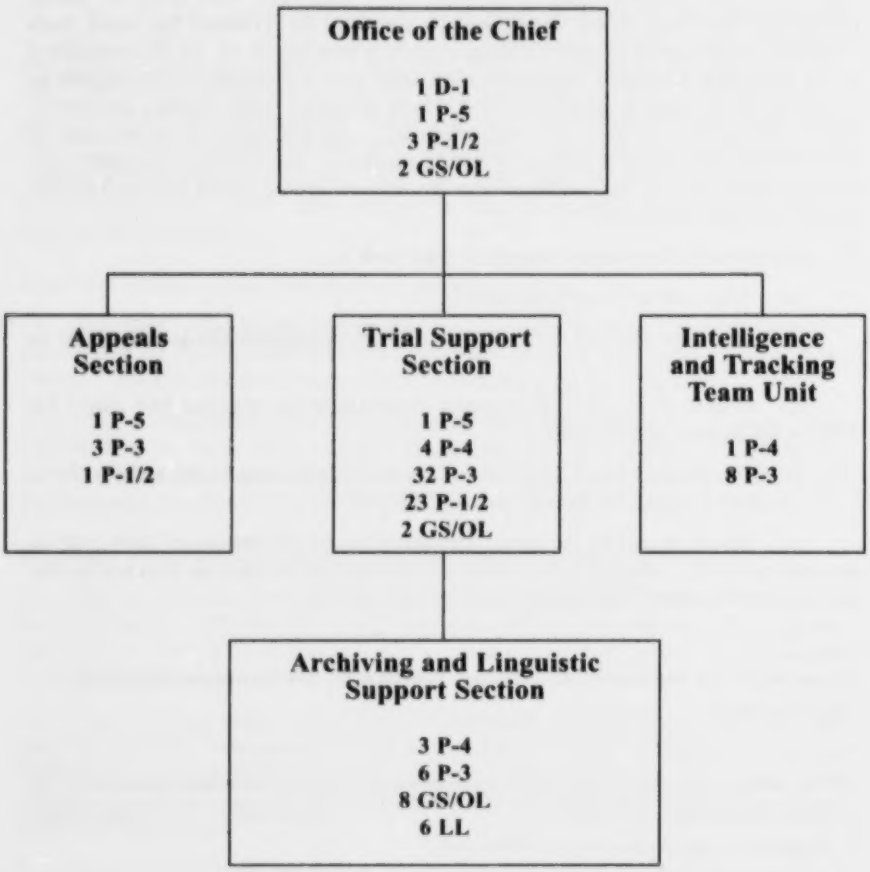
	Gross	*Net*
1. Initial appropriation 2004-2005	235 324 200	213 275 500
2. Proposed changes for the biennium 2004-2005		
a. Changes to budgetary assumptions	11 425 800	10 705 600
b. Requirements for the Investigations Division for 2005	14 221 500	12 587 400
c. Projected savings for 2004	(5 062 000)	(5 062 000)
Total (a+b+c)	**20 585 300**	**18 231 000**
3. Proposed revised appropriation for 2004-2005 (1+2)	255 909 500	231 506 500

Notes

[1] See S/2004/341.

Annex I

Investigations Division, 2005: proposed organigramme



Annex II

Budgetary assumptions

The following parameters were used in formulating the present proposed estimates for the final appropriation:

	Duty station											
	The Hague (euro to US$ 1)				*Arusha (Tanzania shilling to US$ 1)*				*Kigali (Rwanda franc to US$ 1)*			
	Estimates used for the initial appropriation		*Proposed estimates for the revised appropriation*		*Estimates used for the initial appropriation*		*Proposed estimates for the revised appropriation*		*Estimates used for the initial appropriation*		*Proposed estimates for the revised appropriation*	
Budget parameters	*2004*	*2005*	*2004*	*2005*	*2004*	*2005*	*2004*	*2005*	*2004*	*2005*	*2004*	*2005*
Rate of exchange	0.89	0.89	0.82	0.82	1 039.00	1 039.00	1 094.38	1 094.38	530.00	530.00	575.92	575.92
Inflation rate (percentage)	1.9	1.9	1.4	1.5	4.9	4.9	9.8	4.4	5.0	5.0	10.9	7.0
Post adjustment multiplier (percentage)	38.7	38.7	44.3	45.0	24.0	24.0	30.8	35.3	23.2	23.2	30.7	36.7
Vacancy rates for continuing posts (percentage)												
Professional category and above	10.2	10.2	9.5	10.2	18.2	18.2	15.1	18.2	18.2	18.2	15.1	18.2
General Service and related categories	7.3	7.3	7.9	7.3	9.7	9.7	8.9	9.7	9.7	9.7	8.9	9.7
Vacancy rates for new posts (percentage)												
Professional category and above	50.0	50.0	9.5	50.0	16.5	16.5	15.1	18.2	16.5	16.5	15.1	18.2
General Service and related categories	40.0	40.0	7.9	40.0	10.4	10.4	8.9	9.7	10.4	10.4	8.9	9.7

Annex III

Outreach programme

I. Introduction

1. In its resolution 58/253, the General Assembly requested the Secretary-General to submit to the Assembly, at its fifty-ninth session, a report on the outreach programme of the International Criminal Tribunal for Rwanda, with special emphasis on the activities relating to information dissemination and the resources allocated to this function. Moreover, it was requested that the report set forth how future outreach initiatives and coordination with other parts of the United Nations system support the completion strategy and contribute to the reconciliation process in Rwanda. The present report sets out an overview of the work of the outreach programme of the Tribunal since its inception in 1997.

2. The outreach programme is vital in garnering support for the Tribunal's mission. By virtue of the Tribunal's mandate, the Rwandan population, including both those within Rwanda and in the diaspora, is the most important target audience for information about the Tribunal and its work. Moreover the statute of the Tribunal indicates that the prosecutions will "contribute to the process of national reconciliation" and that there is a "need for international cooperation to strengthen the courts and judicial system of Rwanda".

3. In order for the prosecution of the persons responsible for the 1994 genocide to contribute to national reconciliation in Rwanda, as envisaged by the statute of the Tribunal, it is essential that the Rwandan people and, in particular, their political leaders and other opinion-shapers, such as the media and non-governmental organizations, have a good perception and understanding of the work of the Tribunal. This implies a sustained and effective public information programme using a range of techniques, varying according to the audience addressed, to explain the Tribunal's role and work and its relevance to Rwanda.

4. All information services regularly provided by the Tribunal to the international press, academics and practicing lawyers and to international organizations and to Governments are also available to the people of Rwanda. However, owing to a number of factors, reliance on those activities alone would not suffice to ensure successful delivery of information, especially within Rwanda. These factors include the absence of any daily newspapers, the low penetration level and limited resources of Rwandan television, the equally low penetration level of Internet use and, above all, the extremely high rate of illiteracy throughout the country. They require that priority be given to the medium of radio and, where possible, direct interaction with the population and key audience groups.

5. Since its inception, the programme has been conceived as a series of pro-active projects, complementary to the main public information activities of the Tribunal. These projects include awareness-raising within Rwanda, training of jurists, advocates and human rights practitioners and building alliances with academic institutions and media programmes. Of these projects, particular attention has been given to mass media and interpersonal communication in order to convey efficient and persuasive messages to targeted audiences inside and outside Rwanda. Additionally, the

Tribunal contributed to strengthening the capacity of Rwandan lawyers through targeted seminars, a fellowship programme and lectures for Rwandan law students.

6. The resources allocated for the outreach programme in 2004 amount to US$ 265,717, funded from extrabudgetary resources. The programme is expanding to include other activities within and beyond Rwanda. Tables 1 (a) and 1 (b) provide details of the outreach programme for 2004 — Conferences and exhibitions — for the tenth anniversary of the genocide and the establishment of the Tribunal.

II. Information dissemination

A. Use of electronic media

7. Owing to the slow development of information and communication technology in the region, radio communication continues to be the most effective means for reaching out to the people of Rwanda and has been given high priority for the dissemination of information. In one of its first projects, the Tribunal established an office with communications facilities for Radio Rwanda journalists in Arusha where the Trial Chambers are situated. The Radio Rwanda journalist reports daily on the Tribunal's proceedings in Kinyarwanda. Radio Rwanda was chosen as the key partner, as it covers the whole country and is the most efficient medium. The Hirondelle Press Agency, based at the Tribunal, prepares material for broadcast in Kinyarwanda and supplies material for the Kinyarwanda services of the foreign media programmes that are the most popular among the Rwandan audience (BBC and Voice of America).

8. It should also be noted that groups of up to six Rwandan journalists from the broadcast and print media are regularly brought to the Tribunal from Kigali in order to report directly on important events, such as the delivery of judgements, Appeals Chamber sittings and the opening of new trials. Radio Rwanda and Television Rwanda are provided audio and videotapes of the hearings they have attended, which are for broadcast on Radio Rwanda or Television Rwanda. Judgements are also broadcast live in Rwanda by means of a dedicated telephone link to Radio Rwanda.

9. In February 2004, Tribunal officials held discussions with Rwandan government information officials on ways to strengthen bilateral cooperation in disseminating information about the work and relevance of the Tribunal and means to facilitate access for the Tribunal to public and private media. It was agreed that a joint meeting be held between the Tribunal and representatives of the Ministry of Justice to finalize a written agreement on making accessible to the Tribunal time on Radio and Television Rwanda to broadcast news, information and educational programmes specifically targeted at the Rwandan audience.

B. Umusanzu mu Bwiyunge

10. Umusanzu mu Bwiyunge is a Kinyarwanda expression meaning "contribution to reconciliation" and is the name chosen for the Tribunal's information centre in Kigali. The centre is the focal point for the outreach programme and its success since its inauguration in September 2000 has surpassed all expectations. At present,

the centre receives around 100 visitors per day, including students, journalists, civil servants, judges and lawyers as well as the Rwandan general public.

11. The Library, the Internet access and the collection of video archives of trial proceedings before the Tribunal are particularly popular with users. A range of Kinyarwanda documents is also available. However, it has become difficult to translate all legal documents available in Kinyarwanda owing to limited human and financial resources. Other activities, such as press conferences, briefings, computer-assisted legal research training, seminars for journalists and Tribunal-related film shows have taken place at the centre.

12. In 2002, a film about the work of the Tribunal entitled "Justice Today, Peace Tomorrow" was produced in three languages (English, French and Kinyarwanda). Copies of it have been distributed to diverse news agencies, including the Rwandan media.

13. The information centre has also been showing the film. The aim of the film is to convey the message to the people of Rwanda that the organizers of the genocide are being tried, sentenced and convicted by the Tribunal. It is expected that this information will help break the "myth of authority" among the Rwandan people and, consequently, that they will no longer follow orders blindly if they are able to see the genocide leaders being convicted and their ideology refuted by the international legal community.

14. A project to create a special welcome/information room/corner at the information centre so as to provide basic information to the public about the Tribunal is under way. One component of the welcome/information corner will be regular group showings of an introductory film, video or Power Point presentation about the Tribunal followed by briefings and discussions, and the distribution of pamphlets/brochures and other print materials listing the holdings and activities of the Centre.

15. The Tribunal is exploring the possibilities of extending the video signals from the courtrooms during live broadcasts, as in the case of judgements, so that Rwandans are able to watch the proceedings live from the information centre. Currently such programmes are recorded by the Tribunal office in Kigali and broadcast by the Rwandan public media at their discretion.

16. The centre can only provide services to the residents of Kigali and those who can travel to Kigali. However, the Tribunal, with the financial support of the European Commission and in collaboration with the Rwandan Ministry of Justice, plans to set up provincial information centres. These will house computers with Internet access, sound tracks as well as hard copies of Tribunal judgements and other documentation.

17. The use of the Internet and other technological tools has given members of the Rwandan national judiciary greater access to the jurisprudence of the Tribunal and other legal resource materials. This has been especially important for those members of the Rwandan national judiciary working in courts outside the capital. This project has and will continue to contribute to a consistent application of Rwandan law within the country and to the application of Rwandan law in conformity with international legal principles and human rights standards.

18. The availability of materials prepared as a result of the aforesaid projects (e.g. reports, video archives and audiotapes) to the local population and, in particular, to local government officials, teachers, religious leaders and students, will raise awareness about the work of the Tribunal. Moreover, the projects demonstrate both the relevance and the practical usefulness of the Tribunal, particularly as persons suspected of genocidal crimes committed in their own region are brought to trial.

19. The staff of the information centre continue to share documentaries on the Tribunal's proceedings with Rwandans residing outside Kigali with a view to communicating directly. Films on the work of the Tribunal produced by the Internews press agency have been shown in many locations in provincial Rwanda as part of a programme of information for Rwandan people.

III. Capacity-building

A. Rwandan judiciary

20. In keeping with the statute of the International Criminal Tribunal for Rwanda, in which it is requested to strengthen the courts and the judicial system of Rwanda, the Tribunal has organized a number of targeted seminars intended for the Rwandan judicial system.

21. Since 2001, three groups of more than 10 judicial officials have attended a one-week seminar aimed at obtaining first-hand information about the work of the Tribunal and exploring ways of strengthening collaboration in their endeavour to eradicate impunity and promote reconciliation among Rwandans. It is envisaged that more activities, such as training and technical workshops on relevant themes, will be organized soon to allow for knowledge-sharing related to both Tribunal and Rwandan legal systems.

B. Human rights organizations

22. The Tribunal continues actively to cooperate and assist human rights bodies, sharing with them information and expertise related to international criminal law. Senior officials received invitations from various human rights conferences, particularly in Africa, where they conveyed a message for respect of human rights and accountability by leaders.

23. Since 1999, the Tribunal organizes a one-week seminar intended for Rwandan human rights organizations. The aim of the seminar is to raise awareness of the work of the Tribunal among human rights activists and strengthen the capacity of Rwandan human rights organizations in international humanitarian law and criminal jurisprudence. During the reporting period, the External Relations and Strategic Planning Section held its annual seminar attended by the Collectif des ligues et associations de défense des droits de l'homme au Rwanda (CLADHO).

24. The Tribunal staff has been providing lectures on international repression mechanisms as part of the international humanitarian law course organized by the International Committee of the Red Cross and intended for humanitarian workers and policy makers working in the Great Lakes and Horn of Africa regions.

C. Academic and research institutions

25. The Tribunal has also established strong cooperative relationships with various universities in Africa and elsewhere, including the Rwandan National University, the University of Pretoria, the Université libre de Bruxelles, the Université d'Abomey-Calavi de Cotonou (Benin), the Faculté de droit de l'Université de Strasbourg (France), the Centre d'études et de recherche sur le droit et l'administration publique (CERDAP) of the Faculté de droit de l'Université Pierre Mendès France de Grenoble (France) and the European University Institute in Florence (Italy).

D. Special fellowship programme for Rwandan law students

26. Among the many educational and outreach projects established by the Tribunal is a joint cooperative programme with the National University of Rwanda. An annual programme of research awards for students has been instituted and is now in its fourth year. Each year, up to six law students from the National University of Rwanda spend eight weeks conducting thesis research in the Tribunal's library and archives, attending trial proceedings and receiving briefings on various aspects of the Tribunal's work. Each student is assigned a mentor from among the Tribunal's legal staff who supervises and guides the research. Subject to further financial support, it is expected that this programme will be extended to other Rwandan universities.

E. Internship and legal researchers' programmes

27. The Tribunal's internship programme is unlike any in the United Nations system, because its work assignments are of a specialized legal nature and interns assist in many of the core legal functions of the Tribunal. The tasks performed by interns include conducting research on intricate legal issues, summarizing witness testimonies, analysing party submissions, drafting judgements and interlocutory motions, assisting in evidence collection and management, which in some cases involves travel to Rwanda, and visits to genocide massacre sites.

28. Since the Tribunal began its work in 1995, the United Nations-International Criminal Tribunal for Rwanda internship programme has grown from strength to strength. The main beneficiaries of this programme are the Office of the Prosecutor, the Chambers and the Electronic Data Processing Sections. Table 2 sets out statistics on the interns and legal researchers who have served the Tribunal since 1997. A total of 373 interns and 62 legal researchers have completed internships at the Tribunal. At the time of the present report, 45 interns and 20 legal researchers have enrolled in the programme.

29. In addition to affording a unique opportunity to enable young lawyers to engage in the specialized study of international human rights law, the internship programme and the legal researchers programme have contributed to the development of dedicated lawyers and advocates, committed to furthering the development and implementation of international human rights standards.

30. These practical training assignments have given graduates from diverse academic and cultural backgrounds an opportunity to gain practical experience in the public sector domain and acquire first-hand experience in one of the most

significant developments in the international framework of accountability. The programmes have provided a unique opportunity for young lawyers interested in the field of human rights to participate in the development of a challenging and innovative institution in international law.

F. Media

31. In partnership with the Hirondelle Press Agency and the BBC, training programmes have been organized for Rwandan journalists. The programmes, presented in English, French and Kinyarwanda gave technical information on court procedures and international criminal law (provided by Tribunal officials) as well as training in the techniques of legal journalism and ethics (provided by the news agencies).

32. The Tribunal continues to raise awareness about its work among African journalists. In this regard, journalists from 14 African countries in post-conflict situations held a two-week seminar and reflected on the implications of judgements on the media case and on the work of African journalists. It is anticipated that other seminars for African journalists will continue to be held.

33. In reaching out to the Rwandan people, the Tribunal has also developed a strategic partnership with Internews, a United States non-profit non-governmental news media organization, which contributed financially towards the construction of the Tribunal press centre, Arusha. Internews plays a key role in the Tribunal's implementation of its global communication and outreach strategy in Rwanda by ensuring a wide dissemination of its work through regular public screenings of Internews films in Rwandan provinces in close cooperation with the External Relations Section of the Tribunal.

IV. Visits, conferences and exhibitions

34. Senior officials of the Tribunal visited Rwanda with a view to strengthening cooperation with the Rwandan Government and enhancing the understanding of the various survivors' groups with respect to the Tribunal's significance to Rwandans, in particular, and international justice, in general. These visits to Rwanda have had a positive impact on the ongoing cooperation between the Tribunal and the people of Rwanda.

35. Senior Tribunal officials also attended various international conferences which reflected upon such themes as the rule of law in Africa, humanitarian law and the role of international justice. These conferences also provided a significant opportunity to disseminate information on the work and achievements of the Tribunal.

36. In May 2003, the Tribunal became the first organization of its kind to receive a human rights award from the Friedrich Ebert Foundation. The award, which recognized a significant contribution to human rights, was conferred in acknowledgement of the Tribunal's unwavering support for the due process of law and its contribution to the goal of national reconciliation following the Rwandan genocide.

37. Since 2002, the Tribunal has organized 10 exhibitions in Europe and Africa. These exhibitions were intended to inform the international community of the

Tribunal's mandate and achievements and to mobilize more concrete and active support from the international community to the work of the Tribunal.

38. During the exhibitions, panel discussions centred around topics pertaining to international criminal law and the contribution of the Tribunal to national reconciliation in Rwanda.

V. Inter-agency cooperation

39. The Tribunal has been involved in all awareness activities of the United Nations family in Rwanda, such as organized "United Nations days" and other special observances. These special events have provided another opportunity for promoting the work of the Tribunal. It has also contributed to a joint publication of United Nations agencies in Rwanda — *United Nations system in Rwanda 10 Years After* — as part of the events to mark the tenth anniversary of the genocide. The book highlights the achievements of the United Nations in the last 10 years.

40. The United Nations information centres played a crucial role in all exhibitions that the Tribunal organized, providing technical support and help to mobilize the media and participants for the exhibitions.

41. Over the past years, the Tribunal has developed working partnerships with various United Nations information centres in Africa and Europe, thereby increasing the Tribunal's information outreach to hundreds of organizations and groups. The Tribunal intends to extend the close working relationship with other United Nations information centres in order to broaden its audience base further.

42. The Tribunal shared its expertise with many United Nations agencies in Rwanda and elsewhere in Africa, particularly in the area of international law, interpretation and translation.

VI. Future outreach initiative

43. The Security Council, in its resolution 1503 (2003) calls upon the International Criminal Tribunal for Rwanda (and the International Criminal Tribunal for the Former Yugoslavia) to complete all work in 2010. In keeping with that resolution, the Tribunal has developed an awareness campaign that will help inform and enlist support from the international community and other appropriate institutions. In this regard, the support from other United Nations agencies and United Nations information centres will be crucial in promoting the current and future work of the International Criminal Tribunal for Rwanda.

44. To this end, the International Criminal Tribunal for Rwanda intends to strengthen its cooperation with the Office of the United Nations High Commissioner for Refugees in order to allow the smooth travel of refugees who come to testify before it, thereby contributing to expediting cases pending before the Tribunal.

45. In Rwanda, cooperation in operational matters among the United Nations agencies has undergone qualitative and quantitative changes with the implementation of the United Nations Development Assistance Framework in recent years. One of the goals of the common framework for the United Nations system in

Rwanda is to support the Government and society to deeply root the rule of law and promote and protect human rights, within a spirit of national reconciliation.

46. The Tribunal intends, along with other United Nations agencies, to use its provincial information centres in Rwanda in order to engage key target groups and inform them about United Nations values. Additionally, the provincial information centres serve as a tool for fostering a culture of accountability and mobilizing the population for active involvement in the promotion of human rights. This activity will continue to be carried out with the purpose of improving understanding of the work of the International Criminal Tribunal for Rwanda and its relevance to national reconciliation in Rwanda.

Table 1 (a)
Outreach programme for 2004 — conferences and exhibitions

Rwanda/Africa	*Europe*	*North America*	*International Criminal Tribunal for Rwanda*
	4 March, international conference in Paris		
	19-20 March, conference in Brussels		
	27 March, Never Again Rwanda Forum in London	26-28 March, genocide conference, Concordia University, Montreal, Canada	15 March, launch Tribunal anniversary web site
4-6 April, international conference in Kigali		1 April, Forum on impunity in Africa, Washington, D.C.	1 April, special issue of Newsletter; premiere of Tribunal film/video
4-7 April, International Criminal Tribunal for Rwanda/United Nations Information Centre events in Dar es Salaam with embassies and missions	17 April, Survivors' Fund programme in London	21 April, Panel on Judicial Accountability, Washington, D.C.	1-30 April; Tribunal exhibition in Washington, D.C.
7 April, Commemoration Day in Rwanda			7 April, Tribunal staff observance events, Tribunal exhibition, Arusha/Dar es Salaam Tribunal exhibition in Rwanda
7 April, Celebration Day by African Union Commission in Addis Ababa	8 May, commemoration in Brussels	May, AVEGA benefit theatre production, Washington, D.C.	May, Tribunal exhibition in Brussels and The Hague

Rwanda/Africa	*Europe*	*North America*	*International Criminal Tribunal for Rwanda*
			May, Tribunal/Kigali Institute of Science and Technology/Université libre de Kigali law seminar
			May, Premiere Tribunal anniversary film, Tribunal exhibition in Boston, United States of America
			1-14 June, exhibition in St. Louis, United States of America
		25-27 June, commemorative conference, Toronto, Canada	17-30 June, Tribunal exhibition in Montreal and Toronto, Canada
	7 July, United Nations Association and United Kingdom Bar Association conference on international law in London		3-10 July, Tribunal exhibition in London Project on International Courts and Tribunals seminar with the International Criminal Tribunal for the Former Yugoslavia
			August, exhibition in Germany
			2-7 August, release of film and panel discussion of "The Media Case"
September, international law conference, Kigali			September, international law conference in Kigali
		14-16 October, genocide conference, California State University, Sacramento	October, Tribunal exhibition in California, United States of America
			24-31 October, United Nations Week, Tribunal exhibition in New York

Table 1 (b)

Programmes/activities for the tenth anniversary of the genocide and the establishment of the International Criminal Tribunal for Rwanda

1. Development and launching of the International Criminal Tribunal for Rwanda genocide anniversary web site
2. Production and distribution of film/video of Tribunal achievements
3. Production and distribution of film/video of witness/survivors' perspectives of the Tribunal
4. Production and distribution of special editions of the Tribunal Newsletter
5. Organization of a memorial service/vigil and victims' recognition programme for Tribunal staff
6. Hosting of Tribunal exhibition(s) in Arusha and Dar es Salaam
7. Hosting of Tribunal exhibition(s) in Kigali
8. Hosting of Tribunal exhibition(s) in Europe
9. Hosting of Tribunal exhibition(s) in North America
10. Organization of an international justice and humanitarian law conference with the Centre for Conflict Management/National University of Rwanda
11. Arrangement of a commemorative publication of law conference proceedings
12. Encouraging participation of the Tribunal and others in seminars/symposiums with Kigali academic institutions Kigali Institute of Science and Technology/Kigali Institute of Education/Université libre de Kigali
13. Sponsoring/promotion of a memorial monument to the genocide victims
14. Production of film/video on "The Media Case"
15. Organization of a colloquium on the challenges of international criminal justice

Table 2

Statistics related to interns and legal researchers (1997-2004)

Interns and legal researchers 1997-2004

Nationalities	*Year of Internship/Placement*								*Interns/LRs*			*Gender*	
	1997	*1998*	*1999*	*2000*	*2001*	*2002*	*2003*	*2004*	*Total*	*Interns*	*LRs*	*Male*	*Female*
Australia			1	1	3		3	1	9	9		5	4
Austria						1	2		3	3		1	2
Belgium					2		3	3	8	8		4	4
Benin				2					2	2		2	
Burundi					1		1	2	4	2	2	3	1
Cameroon		1			1	4	3	1	10	3	7	8	2
Canada		1	2	3	2	2	2	5	17	17		9	8

Interns and legal researchers 1997-2004

Nationalities	*Year of Internship/Placement*								*Interns/LRs*			*Gender*	
	1997	*1998*	*1999*	*2000*	*2001*	*2002*	*2003*	*2004*	***Total***	*Interns*	*LRs*	*Male*	*Female*
China								1	**1**		1	1	
Czech Republic					1			1	**2**	2			2
Democratic Republic of the Congo	1			1		2	3	1	**8**	4	4	6	2
Denmark					1				**1**	1			1
Eritrea							1		**1**	1	1		1
Ethiopia					1			2	**3**	2	1	2	1
Finland					1				**1**	1			1
France		1	2	2	2	1	7	4	**19**	19		5	14
Germany			1	2	11	3	9	3	**29**	29		10	19
Ghana					1		2	1	**4**	2	2	1	3
Guyana						1			**1**		1		1
India		1	1			1	1	2	**6**	4	2	3	3
Indonesia (West Timor)						1			**1**		1		1
Ireland			1				1		**2**	2			2
Israel							1		**1**	1			1
Italy				2	2	1	6	1	**12**	12		4	8
Jordan						1	1		**2**	1	1	1	1
Kenya					3	5	5	2	**15**	10	5	6	9
Kosovo							1		**1**	1			1
Lesotho						1			**1**		1		1
Liberia							1		**1**	1			1
Malawi						1	1	1	**3**	1	2	1	2
Malaysia				1					**1**	1			1
Malta				1					**1**	1			1
Mexico			1						**1**	1		1	
Morocco				1				1	**2**	1	1	2	
Netherlands		1		1	2	2	5		**11**	11		5	6
New Zealand				1	2				**3**	3		1	2
Nigeria				2	3	1	1	2	**9**	7	2	2	7
Norway		1		1			2	3	**7**	7		1	6
Pakistan								2	**2**	1	1	1	1
Republic of Korea								1	**1**	1			1
Russian Federation							1		**1**	1		1	
Rwanda				4	9	2	3	3	**21**	13	8	14	7
Senegal					1	2	2		**5**	3	2	4	1
Sierra Leone					2	2	1		**5**	5		2	3
Singapore							1		**1**	1		1	
Somalia						1			**1**	1		1	

Interns and legal researchers 1997-2004

Nationalities	Year of Internship/Placement									Interns/LRs		Gender	
	1997	1998	1999	2000	2001	2002	2003	2004	Total	Interns	LRs	Male	Female
South Africa					1	1			2	1	1		2
Spain			1				1		2	2			2
Swaziland							1		1	1		1	
Sweden		1	1	1		1	2	2	8	8		2	6
Switzerland				1		1	3	1	6	6		2	4
Trinidad and Tobago					1	1			2	2			2
Uganda	1			1	1	1	3	2	9	5	4	3	6
Ukraine		1							1	1		1	
United Kingdom			1	6	2	2	4	5	20	20		7	13
United Republic of Tanzania			1	3	8	7	17	10	46*	39	7	17	29
United States of America			9	6	9	26	24	16	90	90		46	44
Zambia						1	1	1	3	1	2		3
Zimbabwe						2	2	1	5	2	3	2	3
Total	**2**	**8**	**22**	**43**	**73**	**78**	**128**	**81**	**435**	**373**	**62**	**189**	**246**
												43.40%	**56.60%**

* 24 lawyers; 22 electronic data processing/management information systems.

Interns and legal researchers (1997-2004)

Category	Number	Percentage
Interns		
Male	160	42.9%
Female	213	57.1%
Legal researchers		
Male	29	46.8%
Female	33	53.2%
Total		
Male	189	43.4%
Female	246	56.6%

Annex IV

Progress report on the legal aid system

I. Introduction

1. In its resolution 58/253, the General Assembly requested the Secretary-General to continue to reform the legal aid system, taking into account the recommendations contained in the comprehensive report or other reforms deemed more appropriate by the Tribunal, as a top priority, and to report on the implementation and consequent savings in defence costs in his performance report for the biennium 2004-2005.

2. The legal system of the International Criminal Tribunal for Rwanda is based on the principle that an accused person shall be entitled to have legal assistance assigned to him or her, in any case where the interests of justice so require, and without payment by him or her in any such case if he or she does not have sufficient means to pay for it (article 20 of the statute).

3. Since the Tribunal's inception in 1995, when the notion of a sophisticated legal aid system was non-existent, the Tribunal has progressively, culminating in 1 September 1998, established a consolidated guideline for management of the defence counsel's intervention under the legal aid programme. The guideline was issued in the framework of the permanent process of maintaining a sustainable legal assistance programme through improved assistance to defence teams and aimed at rationalizing the management of available limited resources.

II. Cost structure

A. Remuneration

4. Under the current legal aid system of the Tribunal, remuneration of counsels is based on an hourly payment for the pre-trial, trial and appeal stages. Until November 2002, the lead counsel was entitled, subject to billing, to a ceiling of 175 hours per month irrespective of the stage of the trial. Since the adoption and implementation of the legal aid reform in late 2002, the ceiling for the pre-trial stage of procedure, subject to billing, has been reduced to 100 hours per month. For co-counsel, the ceiling is 250 hours for the entire pre-trial stage and 350 hours for the appeal stage. During the trial, the co-counsel is remunerated under the same regime as the lead counsel. The lead counsel's hourly rate depends on experience. The rate varies from US$ 80 to $110. For co-counsel, irrespective of experience, the hourly rate is $80.

B. Expenses

5. Apart from remuneration to the counsel, the current legal aid system of the Tribunal is, based on a prior approval by the Registry, responsible for costs and expenses relating to investigative and procedural steps, measures taken for the production of evidence to assist or support the defence, expenses for the ascertainment of facts, consultancy and expert opinion, transportation and

accommodation of witnesses, postal charges, registration fees and taxes or similar duties. The current legal aid system allows counsel to employ, apart from co-counsel, a legal assistant and investigator under conditions of remuneration fixed by the Tribunal. The legal aid scheme covers travel costs. To reduce defence counsel travel expenses, only the lead counsel or the co-counsel are entitled to travel to Arusha for all pre-trial hearings. Counsels are entitled to only three trips during the pre-trial stage. Furthermore, coordination meetings held in Arusha for the defence team, counsel and co-counsel, have been reduced to two.

III. Reforms

6. In response to General Assembly resolution 57/289, the Registry hired an external consultant to review the legal aid system of the Tribunal and to provide recommendations for the improved management, monitoring and control of the expenses of the system.

A. Eligibility for the legal aid programme

7. One of the major concepts introduced by the reforms in May 2003 is the notion of partial indigence. This concept allows the Tribunal to cover just a portion of the costs incurred by representation of an accused person capable of paying some, but not all, of the cost of defence. The threshold for indigence is fixed at $10,000. The Tribunal introduced a formula to determine its contribution to the cost of the judicial proceedings (the pre-trial, trial and appeal stages) of the partially indigent accused. The formula takes into account the estimated defence costs of judicial proceedings and the accused person's financial capacity derived from the value of property available to the accused and/or to the family members residing with the accused. The share of the partially indigent accused to the cost of the judicial proceedings shall be his/her disposable assets less the threshold of $10,000. Thus, the Tribunal's share is the excess of the estimated cost of the judicial proceedings over the net worth of the partially indigent accused.[a]

8. At this point in time, it is too early to determine actual savings that might arise from the introduction of the notion of partial indigence. All but two of the Tribunal's accused persons have been determined fully indigent pending the outcome of investigations being conducted by the Tribunal's Financial Investigator. Under the legal aid programme currently in place, the Tribunal's liability to the two former defence investigators amounts to approximately $10,000 in respect of investigative work for the Tribunal.

9. The Tribunal's Financial Investigator, who took office on 11 September 2003, finalized his plan of action, which was subsequently approved by the senior management of the Registry. He has almost completed in-house investigations concerning the financial position of 50 per cent of the accused persons presently detained at the United Nations Detention Facility. He is now developing the working relationship to be established between the Tribunal and Member States, especially those where the accused persons are alleged to have most assets. Once other accused persons are found to be partially indigent, there will be a positive financial impact on the Legal Aid Fund. It is hoped that the Rwandan Government will assist the Financial Investigator in this exercise.

B. Monitoring and control of defence costs

10. Since the introduction of measures set out in the Tribunal's report on the reform of its legal aid programme, the monitoring and management of upward trends of defence costs is more effective. Requiring a plan of action from lead counsel, the need for confirmation from lead counsel of the existence of an agreed defence strategy with the accused, tighter assessment of reasonableness of hours billed by defence team members and concentration of assistance on cases on trial stage has proven to be extremely beneficial in the management of the Legal Aid Fund. Furthermore, in April 2004, article 22 of the directive on the assignment of defence counsel was amended to institute a time frame for the submission of monthly claims.

C. Effects of the reforms

11. In 2001, before the legal aid reform, defence costs for the pre-trial stage were in the range of $3.3 million. When comparing defence costs for 2002 and 2003 against the 2001 figure, it is noted that in 2002, costs had dropped by some 55 per cent to roughly $1.5 million. This trend continued into 2003 when defence costs totalled roughly $1.5 million, thereby reflecting a decrease of approximately 62 per cent against the 2001 figure. For aggregate defence costs for all trial stages, the average monthly defence costs dropped by 22.5 per cent, from $930,000 in 2001 to $724, 000 in 2004.

12. Despite elaborate guidelines on assessment of defence costs developed by the Registry to rationalize and enable more objective and efficient assessment of defence costs, defence counsel has reacted negatively and raised serious concerns and objections to the reforms. Defence counsel indicated that such measures were severe and in contempt of its independence.

13. In January 2004, defence counsel took concerted action and boycotted scheduled hearings for two days. The Tribunal engaged defence counsel in discussion to better explain the reasons and rationale behind the measures taken and to assure defence counsel that the legal aid reform programme is implemented in strict compliance with the provisions of the Tribunal's basic documents.

IV. Scope of future reforms

14. The Tribunal is currently considering, in coordination with the International Criminal Tribunal for the Former Yugoslavia,[b] the recommendation made by the consultant of the International Criminal Tribunal for Rwanda to have the assessment and audit of work performed by defence teams conducted by an independent team. It has been agreed by representatives of both Tribunals that a group of independent experts, composed of one legal aid expert and two jurists from both the common and civil law systems in Africa and Europe, be appointed to formulate very clear proposals for the functioning of an independent team. Repeated contacts have been made with the South African Law Society to assist in identifying the expert from the common law system in Africa and a response is pending.

15. In addition, the International Criminal Tribunal for Rwanda is considering the consultant's further recommendation limiting assignment of defence counsel to counsel from the African region.[c] There are reservations, because of prohibitive travel costs within Africa, as to whether the recommendation will reduce defence costs of the legal aid programme. Moreover, the recommendation will only apply to future cases. The system with defence counsel from all over the world will continue to apply to accused persons whose cases are currently on appeal (11), being tried (22) or are awaiting trial (22). The implementation will not affect 55 accused persons currently in the jurisdiction of the Tribunal. Under the Tribunal's completion strategy, the Tribunal may complete trials involving a maximum of from 60 to 70 accused persons by the end of 2008. Implementing the recommendation will therefore apply only to a limited number of accused persons. Moreover, such a recommendation would be cost-effective only if counsels are assigned from countries surrounding the United Republic of Tanzania, as counsels assigned from throughout Africa may result in costlier travel than, for instance, from certain parts of Europe. In such a case, it would be difficult on a cost-effectiveness basis to justify the exclusion of European lawyers if their travel expenses are lower.

16. The Tribunal's reform programme is ongoing. The Tribunal is considering the possible implementation of the lump-sum payment system at least for the single cases in which hearing has not yet started. Full consideration of the International Criminal Tribunal for the Former Yugoslavia lump-sum payment system has been made through cross-working visits between the relevant departments of the two Tribunals. It is noted that the lump-sum system of payment being applied by the International Criminal Tribunal for the Former Yugoslavia for the pre-trial stage is in its experimental stage and there are still difficulties in its implementation. The International Criminal Tribunal for Rwanda is monitoring the application of this system with the hope that it can be introduced in the "single accused case". At present, however, the existing hourly system is being maintained.

V. Conclusion

17. The International Criminal Tribunal for Rwanda will continue to review and refine mechanisms introduced to control and manage defence costs. The demands on the legal aid system are substantial and commensurate with the high level of judicial activity of the Tribunal and the number of accused persons in detention. The developments in the administration of the Legal Aid Fund have resulted in a more streamlined, rationalized system which minimizes potential for abuse while at the same time ensuring that the accused is given quality representation.

Notes

[a] A/58/366, paras. 33-35.

[b] See A/58/288.

[c] See A/58/366, paras. 41 and 42.

United Nations A/59/550

General Assembly

Distr.: General
3 November 2004

Original: English

Fifty-ninth session
Agenda items 56 (r) and 71

Cooperation between the United Nations and regional and other organizations: cooperation between the United Nations and the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization

Comprehensive Nuclear-Test-Ban Treaty

Letter dated 1 November 2004 from the Permanent Representatives of Australia, Finland, Japan and the Netherlands to the United Nations addressed to the Secretary-General

We have the honour to refer to the joint ministerial statement in support of the Comprehensive Nuclear-Test-Ban Treaty, which was launched on 23 September 2004 at United Nations Headquarters. Ministers from 66 countries have associated themselves with the joint statement.

A copy of the statement and the list of signatories are attached (see annex). We would be grateful if you would have the texts included as documents of the General Assembly, under agenda items 56 (r) and 71.

We would also like to take this opportunity to inform, through the Secretary-General, States Members which are not accredited to the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization that we would be pleased to be notified if their Foreign Ministers wish to endorse the attached joint statement.

(*Signed*) John **Dauth**
Ambassador
Permanent Mission of Australia to the United Nations

(*Signed*) Marjatta **Rasi**
Ambassador
Permanent Mission of Finland to the United Nations

(*Signed*) Koichi **Haraguchi**
Ambassador
Permanent Mission of Japan to the United Nations

(*Signed*) Dirk Jan **van den Berg**
Ambassador
Permanent Mission of Netherlands to the United Nations
(on behalf of the European Union)

04-59217 (E) 081104

Annex to the letter dated 1 November 2004 from the Permanent Representatives of Australia, Finland, Japan and the Netherlands to the United Nations addressed to the Secretary-General

Joint ministerial statement on the Comprehensive Nuclear-Test-Ban Treaty, New York, 23 September 2004

1. We, the Foreign Ministers who have issued this statement, reaffirm our support for the Comprehensive Nuclear-Test-Ban Treaty, which would rid the world of nuclear weapons test explosions and would contribute to the systematic and progressive reduction of nuclear weapons and the prevention of nuclear proliferation.

2. The Treaty is a major instrument in the field of nuclear disarmament and non-proliferation. The Treaty was an integral part of the 1995 agreements by the States parties to the Treaty on the Non-Proliferation of Nuclear Weapons, allowing the indefinite extension of the former Treaty. The early entry into force of the Comprehensive Nuclear-Test-Ban Treaty was recognized at the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons as a practical step to achieving the nuclear disarmament and non-proliferation objectives of the latter Treaty, and has been reaffirmed as being of central importance by the General Assembly.

3. We affirm that the Comprehensive Nuclear-Test-Ban Treaty will make an important contribution towards preventing the proliferation of materials, technologies and knowledge that can be used for nuclear weapons, one of the most important challenges that the world is facing today. Thus, the entry into force of the Treaty, within the broader framework of multilateral arms control and non-proliferation efforts, is more urgent today than ever before. Progress on this issue would also contribute to a positive outcome of the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons.

4. We welcome the fact that the Comprehensive Nuclear-Test-Ban Treaty has achieved near-universal adherence with, to date, 172 States having signed and 115 States having ratified it. However, there are 44 States whose ratification is necessary for its entry into force. Twelve of these have yet to do so. We call upon all States that have not yet done so to sign and ratify the Treaty without delay, in particular those whose ratification is needed for its entry into force. We commit ourselves individually and collectively to making the Treaty a focus of attention at the highest political levels and to taking measures to facilitate the process of signature and ratification. We support the efforts of the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization to facilitate that process by providing legal and technical information and advice.

5. We call upon all States to continue a moratorium on nuclear weapon test explosions or any other nuclear explosions. Voluntary adherence to such a moratorium is of the highest importance, but does not have the same permanent and legally binding effect as the entry into force of the Treaty. We reaffirm our commitment to the basic obligations set out in the Treaty and call upon all States to refrain from acts which would defeat its objective and purpose pending its entry into force.

6. We welcome the progress made in building up the verification system, which will be capable of verifying compliance with the Treaty upon its entry into force. We will continue to provide the support required to complete and to operate the verification system in the most efficient and cost-effective way. We will also promote technical cooperation to enhance verification capabilities under the Treaty.

7. In addition to its primary function, the verification system will bring scientific and civil benefits, through civil and scientific application of waveform and radionuclide technologies and use of the data. We continue to seek ways to ensure that these benefits will be broadly shared by the international community.

8. We appeal to all States to maximize their efforts to achieve a major step towards the early entry into force of the Comprehensive Nuclear-Test-Ban Treaty. On our part, we dedicate ourselves to realizing this goal.

Abdullah **Abdullâh**
Minister for Foreign Affairs of the Transitional Administration of Afghanistan

Kastriot **Islami**
Minister of Foreign Affairs of the Republic of Albania

Abdelaziz **Belkhadem**
Minister of Foreign Affairs of the People's Democratic Republic of Algeria

Rafael **Bielsa**
Minister of Foreign Affairs of Argentina

Alexander **Downer**
Minister for Foreign Affairs of Australia

Benita **Ferrero-Waldner**
Federal Minister for Foreign Affairs of the Republic of Austria

Elmar **Mammadyarov**
Minister for Foreign Affairs of the Republic of Azerbaijan

M. Morshed **Khan**
Minister for Foreign Affairs of the People's Republic of Bangladesh

Sergei **Martynov**
Minister of Foreign Affairs of the Republic of Belarus

Karel **de Gucht**
Minister of Foreign Affairs of the Kingdom of Belgium

Mladen **Ivanić**
Minister of Foreign Affairs of Bosnia and Herzegovina

Youssouf **Ouédraogo**
Minister of Foreign Affairs and Regional Cooperation of Burkina Faso

Solomon **Passy**
Minister of Foreign Affairs of the Republic of Bulgaria

Pierre S. **Pettigrew**
Minister of Foreign Affairs of Canada

Ignacio **Walker**
Minister of Foreign Affairs of the Republic of Chile

Miomir **Žužul**
Minister of Foreign Affairs of the Republic of Croatia

George **Iacovou**
Minister of Foreign Affairs of the Republic of Cyprus

Cyril **Svoboda**
Minister of Foreign Affairs of the Czech Republic

Per Stig **Moeller**
Minister for Foreign Affairs of the Kingdom of Denmark

Francisco E. **Laínez Rivas**
Minister of Foreign Affairs of the Republic of El Salvador

Kristiina **Ojuland**
Minister of Foreign Affairs of the Republic of Estonia

Erkki **Tuomioja**
Minister for Foreign Affairs of the Republic of Finland

Michel **Barnier**
Minister of Foreign Affairs of the French Republic

Joschka **Fischer**
Vice Chancellor and Minister for Foreign Affairs
of the Federal Republic of Germany

Petros **Molyviatis**
Minister of Foreign Affairs of the Hellenic Republic

Giovanni **Lajolo**
Secretary for Relations with States of the Holy See

László **Kovács**
Minister for Foreign Affairs of the Republic of Hungary

David **Oddsson**
Minister for Foreign Affairs of Iceland

Brian **Cowen**
Minister for Foreign Affairs of Ireland

Franco **Frattini**
Minister of Foreign Affairs of Italy

Yoriko **Kawaguchi**
Minister for Foreign Affairs of Japan

Marwan **Muasher**
Minister of Foreign Affairs of the Hashemite Kingdom of Jordan

Kassymzhomart **Tokaev**
Minister of Foreign Affairs of the Republic of Kazakhstan

Sheikh Mohammad Al-Sabah Al-Salem **Al-Sabah**
Minister of Foreign Affairs of the State of Kuwait

Artis **Pabriks**
Minister of Foreign Affairs of the Republic of Latvia

Antanas **Valionis**
Minister of Foreign Affairs of the Republic of Lithuania

Michael **Frendo**
Minister of Foreign Affairs of the Republic of Malta

Luis Ernesto **Derbez**
Secretary for Foreign Affairs of Mexico

Tsend **Munkh-Orgil**
Minister for Foreign Affairs of Mongolia

Bernard **Bot**
Minister of Foreign Affairs of the Kingdom of the Netherlands

Phil **Goff**
Minister of Foreign Affairs and Trade of New Zealand

Oluyemi **Adeniji**
Minister of Foreign Affairs of the Federal Republic of Nigeria

Jan **Petersen**
Minister of Foreign Affairs of the Kingdom of Norway

Yousuf Bin Al-Alawi Bin **Abdulla**
Minister Responsible for Foreign Affairs of the Sultanate of Oman

Leila **Rachid de Cowles**
Minister for Foreign Relations of the Republic of Paraguay

Manuel **Rodríguez Cuadros**
Minister for Foreign Affairs of the Republic of Peru

Alberto Gatmaitan **Romulo**
Secretary of Foreign Affairs of the Republic of the Philippines

Wlodzimierz **Cimoszewicz**
Minister of Foreign Affairs of the Republic of Poland

António **Monteiro**
Minister of Foreign Affairs and Portuguese Communities of the Portuguese Republic

Ban Ki-moon
Minister of Foreign Affairs and Trade of the Republic of Korea

Sergey V. **Lavrov**
Minister of Foreign Affairs of the Russian Federation

Vuk **Drašković**
Minister of Foreign Affairs of Serbia and Montenegro

George **Yeo**
Minister for Foreign Affairs of the Republic of Singapore

Eduard **Kukan**
Minister of Foreign Affairs of the Slovak Republic

Ivo **Vajgl**
Minister of Foreign Affairs of the Republic of Slovenia

Nkosazana Clarice **Dlamini Zuma**
Minister of Foreign Affairs of the Republic of South Africa

Miguel Ángel **Moratinos Cuyaubé**
Minister of Foreign Affairs and Cooperation of Spain

Laila **Freivalds**
Minister for Foreign Affairs of the Kingdom of Sweden

Micheline **Calmy-Rey**
Federal Councillor and Head of the Federal Department
of Foreign Affairs of Swiss Confederation

Surakiart **Sathirathai**
Minister of Foreign Affairs of the Kingdom of Thailand

Habib **Ben Yahia**
Minister of Foreign Affairs of the Republic of Tunisia

Abdullah **Gül**
Deputy Prime Minister and Minister of Foreign Affairs of the Republic of Turkey

Kostyantyn **Gryshchenko**
Minister for Foreign Affairs of Ukraine

Jack **Straw**
Secretary of State for Foreign and Commonwealth Affairs
of the United Kingdom of Great Britain and Northern Ireland

Jesús Arnaldo **Pérez**
Minister of Foreign Affairs of the Bolivarian Republic of Venezuela

Kalombo T. **Mwansa**
Minister of Foreign Affairs of the Republic of Zambia

United Nations A/59/551

General Assembly

Distr.: General
3 November 2004

Original: English

Fifty-ninth session
Agenda item 108
Programme budget for the biennium 2004-2005

Unforeseen and extraordinary expenses

Report of the Advisory Committee on Administrative and Budgetary Questions

1. The Advisory Committee on Administrative and Budgetary Questions has considered the report of the Secretary-General on unforeseen and extraordinary expenses (A/59/90). During its consideration of the report, the Committee met with representatives of the Secretary-General, who provided additional information and clarification.

2. The report of the Secretary-General was submitted pursuant to the request of the Advisory Committee, in paragraph 9 of its report A/58/604, for a review by the Secretariat of the adequacy of the provisions of the resolution on unforeseen and extraordinary expenses relating to expenses certified by the President of the International Court of Justice.

3. The current provisions, as adopted in paragraph 1 (b) of General Assembly resolution 58/273 of 23 December 2003, are indicated in section II of the Secretary-General's report (A/59/90). Section III provides a background analysis of the use of the specific expenses and corresponding resource ceilings certified by the President of the Court under the resolution on unforeseen and extraordinary expenses. The Committee notes that no expenses or limited expenses have been certified against the provisions identified in paragraphs 1 (b) (ii), on the calling of witnesses and the appointment of experts, 1 (b) (iii), on the maintenance in office for the completion of cases of judges who have not been re-elected, and 1 (b) (v), on the work of the Court or its Chambers away from The Hague; no change is therefore proposed in the current contingency ceilings of $50,000, $40,000 and $25,000, respectively. In addition, no change is proposed at this time in regard to the provisions of paragraph 1 (b) (iv), on the payment of pensions and travel and removal expenses of retiring judges and travel and removal expenses and installation grant of members of the Court, for which the current contingency ceiling is set at $410,000, for the reasons indicated in paragraph 12 of the report of the Secretary-General.

4. However, as to the provision regarding paragraph 1 (b) (i) of the resolution, on the designation of ad hoc judges, for which the current ceiling has been set at

04-59172 (E) 051104

$330,000, the Committee notes the continuous use of the provision in the course of recent years, as reflected in the table contained in paragraph 14 of the report of the Secretary-General. The Committee was further informed that for 2004, as at 1 November, a total of 26 judges had been designated, as compared with 2 shown in the table. Thus, additional charges may arise against the provision before the end of the year. As indicated in paragraphs 13 to 16 of the report, in view of the consistency in the use of this provision, the Secretary-General is proposing to establish a continuing provision of $400,000 in the regular budget of the Court in the context of the upcoming proposed programme budget for the biennium 2006-2007, while adjusting the ceiling under this component of the resolution on unforeseen and extraordinary expenses from $330,000 to $200,000. **On that basis, the Advisory Committee recommends that the General Assembly take note of the report of the Secretary-General (A/59/90) and approve his proposal, as reflected in section IV of that report.**

United Nations A/59/552

General Assembly

Distr.: General
3 November 2004

Original: English

Fifty-ninth session
Agenda item 108
Programme budget for the biennium 2004-2005

Review of the structure and functions of all liaison offices or representation in New York of organizations headquartered elsewhere funded from the regular budget

Report of the Advisory Committee on Administrative and Budgetary Questions

1. The Advisory Committee on Administrative and Budgetary Questions has considered the report of the Secretary-General on the review of the structure and functions of all liaison offices or representation in New York of organizations headquartered elsewhere funded from the regular budget (A/59/395). During its consideration of the matter, the Committee met with representatives of the Secretary-General.

2. The report was prepared pursuant to paragraph 47 of General Assembly resolution 58/270 of 23 December 2003. It includes a description of the functions and the level of staff resources of liaison offices and representation in New York funded from the regular budget. Paragraph 2 of document A/59/395 includes a list of these offices. Upon request, the Committee was provided with information on all the posts and level of staff of these offices, including those funded from extrabudgetary resources, as follows:

04-59205 (E) 051104

Office	*Regular budget posts*	*Extrabudgetary posts*
United Nations Conference on Trade and Development	1 P-5, 1 P-3, 2 GS	-
United Nations Environment Programme	1 P-4, 1 P-3, 2 GS	1 D-1, 1 P-5, 1 P-4, 1 P-2, 4 GS
United Nations Centre for Human Settlements	1 D-1, 1 P-4, 2 GS	1 P-3
United Nations Relief and Works Agency for Palestine Refugees in the Near East	1 P-5, 2 GS	-
Office of the United Nations High Commissioner for Human Rights	1 D-2, 1 P-5, 2 P-4, 1 P-3, 4 GS	-
United Nations Office at Vienna/United Nations Office on Drugs and Crime	1 P-5, 1 GS	1 P-3, 1 GS
New York office of the regional commissions	1 D-1, 1 P-5, 1 P-4, 3 GS	-

3. Paragraphs 4 to 21 of the report discuss the representational and substantive contributions to the work programme of the parent offices. The Advisory Committee notes that, in some instances (e.g., the United Nations Centre for Human Settlements (UN-Habitat)), the description of these activities is very limited and would appear not to be concomitant with the number and level of staff resources available to the offices. The Committee was provided upon request with a detailed description of the substantive responsibilities of the New York office of the UN-Habitat.

4. The Advisory Committee requested information on measures taken to improve the effectiveness of the liaison offices and representation in New York. The Committee was informed that these offices were operating with the benefit of current information and communication technologies available at Headquarters.

5. The Advisory Committee was informed that representational activities of the liaison offices in New York described in the report could be broadly categorized in three main areas: (a) participation in meetings at the intergovernmental level; (b) participation in internal consultations, interdepartmental meetings within the Secretariat and inter-agency meetings; and (c) outreach activities in developing and maintaining contacts with United Nations-affiliated non-governmental organizations, foundations, private-sector organizations and academic institutions.

6. The Advisory Committee requested information on travel to New York of staff of organizations headquartered elsewhere with liaison offices or representation in New York. Information was provided on expenditure and the number of staff relating to official travel to New York in the biennium 2002-2003 (see annex to the present report). It was indicated that these trips were often combined with travel for other purposes and visits to other destinations. In the case of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), it was

indicated that travel to New York was limited to five trips of the Commissioner-General accompanied by one or two senior staff. Those trips related to the presentation to the Advisory Committee of the biennial budget of UNRWA, the presentation to the General Assembly of the annual report and the annual pledging conference.

7. **The Advisory Committee recommends that the General Assembly take note of the report of the Secretary-General.** The Committee intends to revert to the issue and examine the functions and level of staff resources of the liaison offices in New York in the context of its examination of the proposed programme budget for the biennium 2006-2007.

Annex

Official travel to New York during the biennium 2002-2003

(In United States dollars.)

Body/type of meeting	*Regular budget*		*Extrabudgetary resources*	
	Number of staff	*Travel and related expenses*	*Number of staff*	*Travel and related expenses*
United Nations Office at Vienna/ United Nations Office on Drugs and Crime				
Intergovernmental meeting	33	141 000	4	40 500
Interdepartmental and inter-agency meeting	42	160 100	16	66 100
Total	**75**	**301 100**	**20**	**106 600**
United Nations Conference on Trade and Development				
Intergovernmental meeting	32	134 000	-	-
Interdepartmental and inter-agency meeting	12	31 000	-	-
Total	**44**	**165 000**	**-**	**-**
United Nations Centre for Human Settlements				
Intergovernmental meeting	3	22 100	12	60 900
Interdepartmental and inter-agency meeting	3	16 900	7	27 600
Total	**6**	**39 000**	**19**	**88 500**
New York office of the regional commissions				
Intergovernmental meeting	27	177 000	-	-
Interdepartmental and inter-agency meeting	10	90 000	-	-
Total	**37**	**267 000**	**-**	**-**

United Nations A/59/553

General Assembly

Distr.: General
4 November 2004

Original: English

Fifty-ninth session
Agenda items 66 (a) and (b) and 108

Review and implementation of the Concluding Document of the Twelfth Special Session of the General Assembly: United Nations Disarmament Information Programme

United Nations disarmament fellowship, training and advisory services

Programme budget for the biennium 2004-2005

Request for a subvention to the United Nations Institute for Disarmament Research resulting from the recommendations of the Board of Trustees of the Institute on the work programme of the Institute for 2005

Report of the Advisory Committee on Administrative and Budgetary Questions

1. The General Assembly, in section III of its resolution 58/272 of 23 December 2003, requested the Secretary-General to report at the main part of its fifty-ninth session on the continuing need for a subvention to the United Nations Institute for Disarmament Research (UNIDIR) from the regular budget of the United Nations, taking into account previous reports and any relevant decisions on the question of subventions.

2. The Advisory Committee has considered the notes by the Secretary-General (A/C.5/59/3 and Corr.1 and Add.1) on the request for a subvention of $227,600 for 2005 and on the continuing need for this subvention to UNIDIR resulting from the recommendation of the Board of Trustees of the Institute on the work programme of the Institute for 2005.

3. UNIDIR was established in October 1980 pursuant to General Assembly resolution 34/83 M of 11 December 1979 for the purpose of undertaking independent research on issues of disarmament and international security as an interim arrangement within the framework of the United Nations Institute for Training and Research (UNITAR). The General Assembly in section IV of its resolution 37/99 K of 13 December 1982 on institutional arrangements relating to the process of disarmament, provided that the Institute should function as an

04-59259 (E) 051104

autonomous institution, working in close relationship with the Department of Disarmament Affairs, and that its activities should be funded by voluntary contributions from States and public and private organizations. In the same resolution, the General Assembly requested the Secretary-General to give the Institute administrative and other support and decided that the Advisory Board on Disarmament Studies should function as its Board of Trustees. In that capacity, the Advisory Board was mandated to draft the statute of the Institute.

4. The General Assembly approved the statute of UNIDIR by its resolution 39/148 H of 17 December 1984. With regard to the financial arrangements of the Institute, the statute stipulated that voluntary contributions from States and public and private organizations should form the principal source of financing of the Institute and that a subvention towards meeting the costs of the Director and the staff of the Institute might be provided from the regular budget of the United Nations. With a view to ensuring that the Institute not be funded from the subvention alone, it further specified that the amount of the subvention should not exceed an amount equivalent to 50 per cent of the assured income of the Institute from voluntary sources.

5. Over the course of the past 10 years, the subvention has not exceeded 34 per cent of voluntary contributions, and has fallen to approximately 15 per cent in more recent years, well below the 50 per cent ceiling authorized. A subvention of $146,500 was initially provided to UNIDIR in 1985. It was subsequently set to $220,000 in 1990 and then reduced to $213,000 in 1996 owing to system-wide reductions. Following the in-depth evaluation of the disarmament programme by the Office of Internal Oversight Services in 2000 (E/AC.51/1999/2), which indicated an erosion of the value of the subvention in real terms, the General Assembly, in its resolution 55/35A of 20 November 2000, recommended the development of proposals to increase funding of the Institute within existing resources. In this regard, as of the biennium 2002-2003, the subvention was cost-adjusted.

6. In his report A/C.5/59/3/Add.1, the Secretary-General confirmed the continuing need of a subvention and stressed its importance, both for assuring the independence of the Institute and, therefore, an unbiased research programme, as well as for assisting the Director in raising voluntary funds. The Secretary-General also pointed out that the impartiality and independence of the Institute is essential in an area as sensitive as disarmament and international security in order to ensure that the work of the Institute is not compromised, which would inevitably lead to difficulties in attracting further voluntary contributions.

7. In the Secretary-General's report A/C.5/59/3, a subvention of $227,600 was requested from the regular budget of the United Nations to UNIDIR for 2005. The amount represents approximately 15 per cent of the total voluntary funds available in 2005 and has been cost-adjusted to take inflation and currency changes into account.

8. The Advisory Committee accepts the justification provided for the continuing need for a subvention to the Institute from the regular budget of the United Nations. It recommends that the General Assembly approve the request of $227,600 for UNIDIR for 2005 on the understanding that no additional provision would be required under section 4, Disarmament, of the programme budget for 2004-2005.

United Nations A/59/553/Corr.1

General Assembly

Distr.: General
15 November 2004

Original: English

Fifty-ninth session
Agenda items 66 (a) and (b) and 108

Review and implementation of the Concluding Document of the Twelfth Special Session of the General Assembly: United Nations Disarmament Information Programme; United Nations disarmament fellowship, training and advisory services

Programme budget for the biennium 2004-2005

Request for a subvention to the United Nations Institute for Disarmament Research resulting from the recommendations of the Board of Trustees of the Institute on the work programme of the Institute for 2005

Report of the Advisory Committee on Administrative and Budgetary Questions

Corrigendum

1. **Paragraph 7**

For the existing text *substitute*

In the Secretary-General's report A/C.5/59/3, a subvention of $227,600, to be recosted, was requested from the regular budget of the United Nations to UNIDIR for 2005. The amount represents approximately 15 per cent of the total voluntary funds available in 2005.

2. **Paragraph 8, second sentence**

For the existing text *substitute*

It recommends that the General Assembly approve the request of $227,600, to be recosted, for UNIDIR for 2005 on the understanding that no additional provision would be required under section 4, Disarmament, of the programme budget for 2004-2005.

04-60694 (E) 151104

United Nations A/59/554

General Assembly

Distr.: General
9 November 2004

Original: English

Fifty-ninth session
Agenda item 100
Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions

New international humanitarian order

Report of the Secretary-General*

Summary

The present report has been prepared pursuant to General Assembly resolution 57/184. It addresses the question of the promotion of a new international humanitarian order to improve a comprehensive international framework which takes fully into account existing instruments relating to humanitarian questions, as well as the need for addressing those aspects not yet adequately covered. This issue was first taken up by the General Assembly during its thirty-sixth session.

The report highlights key humanitarian issues, such as the right to humanitarian assistance and to humanitarian access, and calls for stronger links between emergency assistance and development aid and between humanitarian issues and human rights. The report also calls for the development of an agenda for humanitarian action and for the identification of practical measures by which such an agenda might be developed and implemented with the assistance of Governments and non-governmental organizations.

* The report was delayed for technical reasons.

04-59521 (E) 101104

1. The present report is submitted pursuant to paragraph 9 of General Assembly resolution 57/184 of 18 December 2002, relating to the promotion of a new international humanitarian order. In that resolution the Assembly expressed its appreciation for the continuing efforts of the Secretary-General in the humanitarian field and urged Governments "to assist him in promoting a new international humanitarian order corresponding to new realities and challenges, including the development of an agenda for humanitarian action" (para. 1). It also called upon Governments "to provide expertise and the necessary means to identify the building blocks of such an order and agenda, plan the architecture and undertake the required supplementary activities" (para. 2).

2. In that context, it is worthwhile to recall that when, at its thirty-sixth session, the General Assembly adopted its first resolution (resolution 36/136 of 14 December 1981) relating to the proposal for the promotion of a new international humanitarian order, it recognized, inter alia, "the importance of further improving a comprehensive international framework which takes fully into account existing instruments relating to humanitarian questions as well as the need for addressing those aspects which are not yet adequately covered" (second preambular para.). Regrettably, now more than two decades later, that recognition is even more valid if one bears in mind the developments around the world in recent years.

3. It is encouraging, however, that the General Assembly has unanimously adopted 15 resolutions regarding the new international humanitarian order. Based on those resolutions, as well as the relevant reports of the Secretary-General, a number of suggestions and recommendations have gone through the process of implementation.

4. As for the proposed agenda for humanitarian action, it should include not only the new and emerging humanitarian problems but also the existing ones which are inadequately addressed in terms of international legislation and practices of States as well as non-State actors. In this context, the Independent Bureau for Humanitarian Issues, which has helped initiate and pursue the concept of the proposed agenda, will be involved in developing it further and will assist in the implementation process. The subject has aroused considerable interest in the non-governmental sector, which will undoubtedly have a major role to play not only in the identification of the constituent elements of the proposed agenda but also in the implementation of measures required to solve the problems identified.

5. Currently, armed conflicts between and within States are a major source of humanitarian problems. In this context, the proposed agenda can be an effective tool for preparedness and prevention. Taking into account the experience gained around the world in recent years, it is a matter of fundamental importance that in addition to supporting peacemaking, peacekeeping and peace-building efforts, Member States also support intergovernmental and non-governmental organizations not only in providing humanitarian assistance but also in the prevention of armed conflicts through the identification and removal of the root causes, in line with Article 1 of the Charter of the United Nations.

6. As for humanitarian efforts during and after armed conflicts, there are two issues which deserve special attention: the establishment of a right to humanitarian assistance and the establishment of a right to safe and speedy access for humanitarian agencies and workers to people afflicted by conflict and other life-endangering circumstances. Just as relief should be provided without distinction as

to race, religion, nationality or political affiliation, neither should access to the needy be subject to political or military considerations. It is important to point out in this connection that currently at least 10 million needy people in some 20 countries are considered inaccessible for humanitarian agencies, as pointed out in a recent report on strengthening the coordination of emergency humanitarian assistance of the United Nations (A/59/93-E/2004/74).

7. Finally, it is important to point out that due to the current situations of armed conflict, much more international aid is being provided as emergency assistance than for eliminating the root causes of conflicts. Consequently, there is a need to strengthen the nexus between emergency assistance and development aid at the same time as the nexus between human rights and humanitarian issues. In the overall context of the preparation and implementation of an agenda for humanitarian action, the Secretary-General calls on Member States to make available at the earliest their views on the subject and to share their perceptions and plans regarding the humanitarian challenges they face at the national, regional and international levels.

8. In conclusion, the Secretary-General wishes to reiterate the importance of adherence to human rights and international humanitarian and refugee law. As for practical measures to be taken in order to develop the agenda for humanitarian action and ensure its implementation, it would be useful to constitute an expert group to deliberate and make recommendations which can serve to further strengthen the humanitarian aspect of the Millennium Development Goals to be reviewed next year by Member States.

Recommendations

9. On the basis of lessons learned through experience gained in various parts of the world, the General Assembly may wish, inter alia, to:

(a) Urge Governments to share, at the earliest, their views, based on their experience, regarding the constituent elements of an agenda for humanitarian action;

(b) Call upon Member States to make available to the Secretary-General the expertise and the means for the development and eventual implementation of the proposed agenda;

(c) Recommend the identification of measures to strengthen the nexus between human rights and humanitarian issues as well as between emergency assistance and development aid;

(d) Strengthen the increasingly important role of non-governmental organizations and the private sector in the humanitarian field.

Annex

Replies received from Governments and from the Independent Bureau for Humanitarian Issues

Bosnia and Herzegovina

1. In the context of General Assembly resolution A/57/184 of 18 December 2002, the Government of Bosnia and Herzegovina is pleased to state that considerable progress has been made in addressing the humanitarian challenges faced by the country in the aftermath of armed conflict, which ravaged all parts of it for several years. In addition to the return and rehabilitation of refugees, considerable efforts have been made to normalize the life of internally displaced persons.

2. On the basis of its long experience, the Government wishes to re-emphasize the importance of basic guidelines and principles which should be followed in the context of humanitarian assistance in armed conflicts. This is a matter of fundamental importance in view of the current armed conflicts between and within States around the world and the increasing number of victims. In this connection, the attention of the United Nations Member States is drawn to the basic tenets contained in the contribution of Bosnia and Herzegovina in an earlier report of the Secretary-General relating to the promotion of a new international humanitarian order (A/53/486).

3. It is planned to request the issuance of a United Nations document containing those tenets as a step forward towards the adoption of a declaration relating to humanitarian action during and after an armed conflict. In order to facilitate consideration of the proposed declaration by Member States, it is also planned, in collaboration with the Independent Bureau for Humanitarian Issues, to publish a detailed commentary on each of the tenets contained in the above-mentioned report of the Secretary-General.

4. The Government of Bosnia and Herzegovina also looks forward to participating in the preparation of the agenda for humanitarian action mentioned in the last resolution adopted on the subject of a new international humanitarian order and to providing expertise on the basis of its experience in recent years.

Jordan

1. Ever since the introduction of the item relating to the promotion of a new international humanitarian order in the agenda of the General Assembly, the Government of the Hashemite Kingdom of Jordan has remained consistent in its support of the concept, more relevant than ever before to the future welfare of mankind.

2. In this overall context, Jordan has also remained tenacious in its efforts to identify humanitarian problems facing the country and the region and in seeking solutions to them. The geography of the country does not make this an easy task, but the steady socio-economic progress being made by the country continues to be a supporting factor in its endeavours relating to humanitarian challenges.

3. One of the major challenges in the region continues to be the problem of refugees. It is sad and discouraging to note that hundreds of thousands of persons have spent most of their lives in refugee camps. Experience around the world regarding the global refugee problem clearly indicates that the collective efforts of the international community through the United Nations should not be limited to providing relief and temporary assistance but rather should include seeking permanent solutions to the problem. In fact, it would be useful and timely to review the overall question of displacement of persons, whether internal or external, voluntary or involuntary, so that the response of the international community and the search for solutions can be adjusted to the contemporary world situation.

4. Armed conflicts between and within States have made the need for durable peace more urgent. It is important to recall in this connection that in one of its earlier contributions to the reports of the Secretary-General, the Jordanian Government pointed out on the basis of the experience of various countries around the world that peace is durable not when it is achieved through negotiations but, above all, when it is built and consolidated at the grass-roots level. At the same time, Jordan recognized that the increasing attention being paid to peacemaking and peace-building in addition to the traditional peacekeeping role of the United Nations was a positive development. In view of the fact that armed conflicts continue to ravage many parts of the planet, it is important that an effective early warning system be established for the identification of root causes of conflicts and for taking timely action to prevent them. In this regard, the establishment of the International Criminal Court, as an effective instrument intended to prevent inhumane and criminal activities as well as to put an end to impunity, is to be welcomed.

5. It is a matter of utmost importance that the idea launched by the General Assembly in its resolution A/57/184 concerning the development of an agenda for humanitarian action be actively pursued by Member States. In this context, it is interesting to note that initiatives are already being taken by non-governmental bodies such as the International Committee of the Red Cross and the International Federation of Red Cross and Red Crescent Societies. There is no doubt that emerging humanitarian problems should be promptly addressed. It is important, therefore, that a working group of experts be formed to identify the constituent elements of the proposed agenda and to suggest solutions to the humanitarian problems covered by it.

6. Taking into account the persistent humanitarian challenges facing the world since the events of 11 September 2001, it would be useful to undertake a survey of specific humanitarian issues, as was done in 1986 in conjunction with the Independent Commission on International Humanitarian Issues, whose results were made available by the Secretary-General in his report relating to the new international humanitarian order (A/41/472). The successor body of the Independent Commission, the Independent Bureau for Humanitarian Issues, which has been specifically mentioned in a number of the relevant General Assembly resolutions, should be invited to collaborate for the identification of humanitarian issues requiring immediate attention and for research to seek appropriate solutions.

Sudan

1. The Sudanese Government has supported the concept of new international humanitarian order ever since it was introduced to the General Assembly and suggested at the outset that it should be supported by all States because of the increasing gravity of the crises threatening the existence and future of mankind, and that in creating the new humanitarian order, principles common to all States should be elaborated so as to encompass the pressing needs of humanity at large (see A/40/348).

2. As is well known, the Sudan, like many other countries in all parts of the world, is currently facing a number of humanitarian problems. In order to solve them, the Sudan has taken action in line with one of the recommendations made by the Independent Commission on International Humanitarian Issues, as reiterated by the Independent Bureau for Humanitarian Issues in the last report of the Secretary-General on the subject (A/57/583), and established a Ministry of Humanitarian Affairs. It would be most helpful if the Ministry were to receive technical and financial support from the international community in order not only to solve the current problems but also to take measures to prevent the recurrence of human tragedies.

Independent Bureau for Humanitarian Issues

1. In addition to its normal duties relating to the dissemination and implementation of the recommendations made by the Independent Commission on International Humanitarian Issues, national capacity-building and related action-oriented research, the Independent Bureau for Humanitarian Issues (IBHI) has been involved in the promotion of the concept of a new international humanitarian order. In this context, IBHI has already initiated preliminary work regarding the development of an agenda for humanitarian action, as suggested by the General Assembly in its resolution 57/184 of 18 December 2002. IBHI is also trying to promote the implementation of two specific recommendations made by the Independent Commission, reiterated in the last report of the Secretary-General (A/57/583), i.e., the establishment by Governments of a ministry of humanitarian affairs in order to ensure effective coordination and, parallel to that, the establishment of independent national commissions for humanitarian issues for the identification of problems and possible solutions before there is an excessive deterioration of the overall situation in a country.

2. It is encouraging to note that in addition to Governments, a number of non-governmental organizations have begun to show active interest in the relevant ideas launched originally by IBHI. For example, at its last world conference, the International Committee of the Red Cross and the International Federation of Red Cross and Red Crescent Societies initiated deliberations regarding an agenda for humanitarian action and identified some humanitarian problems which need the attention of the international community. Likewise, the World Association of Non-Governmental Organizations has adopted resolutions at its annual conference, attended by NGOs from all parts of the world, concerning the promotion of a new international humanitarian order.

3. It is deeply regrettable that in recent years there have been so many armed conflicts between and within States and that the number of victims during the last decade exceeded by far the number of persons who died during the Second World War. At the same time, it is important to remember what the Secretary-General recently stressed in a statement to the Security Council: "In the entire history of the United Nations, just over $30 billion has been spent on our peacekeeping operations. That is just one thirtieth of the amount that was spent last year alone on global military expenditures" (see S/PV.5041). More often than is generally recognized, armed conflicts begin, or become more sanguine, due to unresolved or aggravating humanitarian problems. One of the key elements in building durable peace in war-torn societies is the identification of humanitarian problems faced by the affected populations and the rapid promotion of solutions to those problems. At the same time, in the absence of armed conflicts and before concerned Governments decide to reduce their defence budgets, it would be worthwhile to explore the role that armed forces can play in the field of socio-economic development. IBHI plans to do action-oriented research and prepare selected case studies on the subject.

4. In the context of armed conflicts and related humanitarian crises, it is indeed important to strengthen the nexus between emergency assistance and development aid. IBHI has already initiated action-oriented research on the matter and is planning to do the same for the nexus between human rights and humanitarian issues.

5. In its effort to identify the constituent elements of an agenda for humanitarian action, IBHI is also initiating relevant projects regarding phenomena such as mass expulsions, lack of respect for rights of minorities and problems of internal and external displacement of persons, including refugees, illegal migrants, victims of human trafficking, etc.

6. Another project initiated by IBHI relates to the dissemination of basic information concerning the human rights of specific groups so that ordinary people, and particularly the victims, can understand and claim their rights. To begin with, since hundreds of millions of victims do not understand any of the official United Nations languages, it is important to make available in local and/or national languages the relevant documents on matters such as the rights of minorities, women, children and older persons.

7. Finally, in a recent report regarding the promotion of religious and cultural understanding, harmony and cooperation (A/59/201, 3 August 2004), it has been aptly pointed out that "a particularly important dimension of the dialogue among civilizations is inter-religious dialogue, which implies dialogue both among religions and within a single religion ... Many inter-religious conflicts are fuelled largely by a search for identity expressed by a retreat into a particular religion or spiritual tradition to the exclusion of all others" (para. 33). Earlier, in its resolution 57/337 of 3 July 2003, the General Assembly recognized that continued inter-religious dialogues and promotion of religious harmony are contributions to the prevention of armed conflicts. In order to promote inter-religious dialogue and thus contribute towards the elimination of some of the root causes of certain conflicts, IBHI proposes to identify and disseminate the points of convergence rather than divergence between religions and to encourage intensive research into possibilities for cooperation between believers of different faiths.

United Nations A/59/555

General Assembly

Distr.: General
8 November 2004
English
Original: Spanish

Fifty-ninth session
Agenda item 49
Oceans and the law of the sea

Letter dated 5 November 2004 from the Permanent Representative of Chile to the United Nations addressed to the Secretary-General

I have the honour to write to you in reference to the letter of 20 October 2004 from the Permanent Representative of Bolivia to the United Nations addressed to you (A/59/445), containing some erroneous statements with regard to the Treaty of Peace, Friendship and Commerce between Chile and Bolivia, signed on 20 October 1904, which remains fully in force.

In this connection, on behalf of the Government of Chile, I feel compelled to reiterate once again that the Treaty of Peace, Friendship and Commerce between the two countries was freely considered, negotiated and concluded. It reflects the substantive initiatives and proposals of the Bolivian Government, as set out in documents that are beyond question.

The 1904 Treaty of Peace, Friendship and Commerce was adopted by large majorities in the Congresses of both Chile and Bolivia during a time of constitutional normalcy and economic progress in the two countries. All its provisions are fully complied with; they have constituted the framework for relations of neighbourliness and given rise to permanent mechanisms for consultation and bilateral cooperation in the most diverse spheres.

Indeed, this Treaty guarantees, inter alia, a legal framework which our countries have freely accepted and fully applied in practice, and a free-transit regime that give Bolivia access to and from the sea in all circumstances. My country honours and will continue to honour this regime and ensure thorough compliance with it at all times.

Free transit is an irrefutable practical reality, a tangible and everyday phenomenon; under this regime, goods and vehicles, trucks and trains make their way, under all circumstances and at all times, to and from the ports of Arica and Antofagasta, and an oil pipeline extends to them. Under the agreements in force, Bolivian customs agents carry out their duties without incident and without impediments of any kind. The process of crossing the Chilean-Bolivian border is expeditious and efficient and has already been singled out by impartial sources as a useful and constructive model for crossing other borders in the region.

04-60037 (E) 111104 111104

In this context, it is important to reiterate my country's firm and unwavering commitment to observing and implementing the international treaties in force, in accordance with the provisions agreed upon.

The Treaty of Peace, Friendship and Commerce is part of a larger diplomatic and political process conceived by our ancestors as a path to progress and a vision for the future. Both Governments have been able to translate it into tangible actions for the advancement of their peoples. It can contribute to achieving these objectives as an instrument that enjoys stability and guarantees under international law.

In exercise of its legitimate rights and development policies, my country has implemented port service mechanisms and procedures with the participation of the private sector, in keeping with the degree of efficiency and security which the international community expects of a country that is an established exporter and is widely recognized for its transparency and reliability, benefits which also extend to the handling of Bolivian cargo. These principles govern both the public sector and all private operators subject to the same legal framework consisting of international treaties, laws and contracts.

On behalf of my country, I wish to point out that the request in the Bolivian letter to have this issue considered at the fifty-ninth session of the General Assembly under agenda item 49 on "Oceans and the Law of the Sea" is not consistent with this Organization's programme of work and is not among the issues that are supposed to be considered under this item.

(*Signed*) Heraldo **Muñoz**
Ambassador
Permanent Representative of Chile to the United Nations

United Nations A/59/556

General Assembly

Distr.: General
8 November 2004

Original: English

Fifty-ninth session
Agenda item108
Programme budget for the biennium 2004-2005

Capital master plan

Report of the Advisory Committee on Administrative and Budgetary Questions

1. The Advisory Committee on Administrative and Budgetary Questions has considered the second annual progress report of the Secretary-General on implementation of the capital master plan (A/59/441), as well as his related reports on the status of possible funding arrangements for the capital master plan (A/58/729), viable options for ensuring sufficient parking space at United Nations Headquarters (A/58/712) and plans for three additional conference rooms and viable solutions for allowing natural light into the rooms (A/58/556). The Committee also had before it the report of the Office of Internal Oversight Services on the capital master plan for the period from August 2003 to July 2004 (A/59/420) and the report of the Board of Auditors on the capital master plan for the biennium ended 31 December 2003 (A/59/161). During its consideration of the matter, the Committee met with representatives of the Secretary-General.

2. The status of possible funding arrangements for the capital master plan is outlined in paragraphs 11 to 23 of the second progress report of the Secretary-General (A/59/441). In brief, in February 2004 the host country offered a loan of a maximum amount of $1,200 million at an interest rate of 5.54 per cent, pending approval by the United States Congress (see A/58/729). Under the terms of the offer, after the construction phase, which is to last 5 years, the loan would be converted to a permanent loan to be repaid over a period of 25 years. Over the life of the loan, total principal and interest paid would amount to $2,511 million. Once approved by the United States Congress, the loan agreement must be entered into by 30 September 2005, which is the end of the United States Government's fiscal year, or the offer lapses. Once the agreement is signed, the loan can be activated at any time over the next 35 years, and the United Nations can draw down all or part of the $1,200 million.

04-59697 (E) 101104

3. The Secretariat has also explored other options for lowering the amount of interest payable over the course of the loan through the use of financial instruments available in the capital markets for United States dollars. Those options are conditional on using the loan agreement with the host country as a guarantee. Whether or not such options will be advantageous will depend on interest rates at the time of construction. An example of one of the capital market alternatives is provided in annex I to the progress report.

4. **The Advisory Committee was informed that the offer had been included in the proposed United States budget for fiscal year 2005 and would likely not be subject to change. However, since the proposed offer cannot be formally made by the host country until the legislative process has been completed, the Committee is not in a position to submit any views on it at this time. The Committee will revert to the matter if and when a formal offer is made.**

5. Given the fact that the utilization of an interest-bearing loan will almost double the cost of implementing the capital master plan, the Advisory Committee enquired as to whether there were any possibility of reducing the scope of the refurbishment of the Headquarters complex. It was informed that the project had been set at a minimum level and any lowering of the estimates would be artificial and risk leading to cost overruns.

6. With regard to the proposed new building (DC-5), which would serve as a temporary location for official meetings of intergovernmental bodies and interim office space (swing space) during the refurbishment of the Headquarters complex, the Advisory Committee notes that, following an assessment of security risks to the new building, the United Nations Development Corporation (UNDC) design team developed a design approach for DC-5 to mitigate potential threats. The design would require specially reinforced construction and would result in significantly increased costs.

7. The preliminary cost estimate for DC-5 developed in 2002 was $315.8 million, which worked out to an estimated fixed rent of $27.59 per square foot in 2005, comparing favourably to the projected rental cost of DC-1 and DC-2 of $26.30 per square foot in 2005. An alternative building design, which was recently presented by UNDC, would result in an estimated fixed rent of $39.32 per square foot for DC-5. Table 1 of the progress report shows projected rent for all three buildings in 2009, 2013 and 2018.

8. Upon enquiry, the Advisory Committee was informed that, aside from the additional costs involved in building a structure using a design approach that would mitigate potential security threats (see para. 6 above), there were other factors contributing to the projected increase in the cost of building DC-5. The Committee was informed, for example, that the original estimate included an amount of approximately $13 million for the construction of an esplanade along the eastern perimeter of the United Nations site between 42nd and 48th Streets to offset the loss to the local community of a portion of Robert Moses Park. UNDC is now proposing a version of the esplanade that would cost approximately $40 million. On another matter related to financing, the Committee was informed that UNDC had planned to raise the money to build DC-5 by issuing tax-free bonds, however current United States tax code will not permit this. Accordingly, a change would be required in the tax code, which, while minor, would take some time to enact.

9. The Advisory Committee notes that the Secretary-General intends to continue negotiations with the City and State of New York with a view to constructing DC-5 at a lease-purchase cost in line with the lease costs of DC-1 and DC-2.

10. In addition to the difficulties described above, the architectural and planning work on DC-5 has been delayed. The Advisory Committee was informed, for example, that UNDC had planned to use the architects that had worked on DC-1 and DC-2 to design the new building. The City of New York, however, decided to hold a design competition, which took nearly a year to complete. As noted in the report of the Board of Auditors, the date of availability of swing space (that is, completion of DC-5) has been moved from September 2005, as anticipated in the report of the Secretary-General of 8 August 2002 (A/57/285 and Corr.1), to the end of January 2008, a delay of 27 months (see A/59/161, para. 42). This will, in turn, have implications for the schedules of other aspects of the plan.

11. The Advisory Committee points out, as it has in the past (see A/57/7/Add.4, para. 20), that delays in the implementation of the capital master plan owing to difficulties encountered in any phase of its development can have a significant impact on the cost of the project. In this connection, the Committee notes the comment of the Board of Auditors that administrative and overhead expenses amounting to about $2.6 million will likely be incurred annually (A/59/161, para. 44). The Committee enquired about measures taken by the Administration to minimize administrative and management costs, as recommended by the Board (ibid., para. 9 (c)). It was informed that the staffing structure of the capital master plan project had been streamlined, a project manager had been engaged whose services could be increased or decreased as needed, and unneeded office space had been leased out. **The Committee encourages the Administration to continue to look for ways to reduce administrative expenses.**

12. The Advisory Committee notes that, in line with General Assembly resolution 57/292 of 20 December 2002, the Secretary-General has initiated the process of establishing an Advisory Board to advise him on financing matters and overall project issues; it is expected that the Board will be established by the end of 2004 (see A/59/441, paras. 38 and 39). The Committee recalls that under the terms of section II, paragraph 19, of resolution 57/292, the membership of the Board is to reflect wide geographical representation. The Committee further recalls that the Secretary-General reported that the Board was in the process of being formed more than two years ago in August 2002 (see A/57/285, para. 66). **The Committee urges the Secretary-General to expedite the process so that the Board may begin its work as soon as possible.**

13. **As indicated above, a number of the basic parameters have changed since the General Assembly adopted resolution 57/292, including the nature of the financing arrangements and the cost of construction. The Assembly may wish to take these developments into account when considering the recommendation of the Secretary-General that it reaffirm its decision in resolution 57/292 to implement the capital master plan (see A/59/441, para. 57 (a)). The Assembly may also wish to provide guidance to the Secretary-General and the Advisory Board, which, in the opinion of the Advisory Committee, should consider a wide range of options for financing the project and for dealing with the need for swing space during construction, including various possibilities for the**

relocation of intergovernmental meetings and interim office space during that period.

14. With regard to the plans for three additional conference rooms and viable solutions for allowing natural light into the rooms (see A/58/556), the Advisory Committee notes that an amount of $6 million has been included in the capital master plan for construction and furnishing of the rooms (ibid., para. 4). The Secretary-General outlined three layout options for the conference rooms. The cost of introducing natural light through flush skylights, with windows where feasible, would range from $700,000 to $1.2 million, depending on the layout option chosen (ibid., para. 26, table). Option 1 would provide for 3 skylights in one conference room only and windows, at a cost of $700,000; option 2 would provide for windows and a total of 9 skylights at a cost of $1.2 million; and option 3, although it does not permit windows, allows for the addition of 13 skylights at a cost of $1.1 million. The other costs of the various options are similar; therefore the costs for introducing natural light are the only cost variable (ibid., para. 28).

15. As concerns the report of the Secretary-General on viable options for ensuring sufficient parking space at United Nations Headquarters (A/58/712), the Advisory Committee notes that four option groups are outlined. Option group 1, which entails reallocation of storage and reconfiguration of parking spaces, would result in an additional 66 spaces at an average cost of $3,000 per space. Option group 2 provides three options for new construction; the number of new spaces would be between 90 and 660 at an average cost per space of $12,000 to $94,000, depending on the option chosen. Option group 3 would entail the installation of automatic parking platforms and would result in 130 to 218 additional spaces at an average cost of $136,000 to $165,000 per space; in addition, annual operating costs under this option group would range from $318,000 to $636,000 depending on the parking floors selected for mechanization. Option group 4 is for parking attendant-assisted parking and would provide for up to 688 additional spaces. There would be no additional construction costs; however, annual costs for attendants would be in the range of $400,000 per garage level. **Under the circumstances, it appears to the Committee that only option groups 1 and 2 are viable.**

16. **The Advisory Committee takes note of the reports of the Secretary-General on plans for three additional conference rooms and viable solutions for allowing natural light into the rooms (A/58/556) and on viable options for ensuring sufficient parking space at United Nations Headquarters (A/58/712); however, the Committee considers that, given the current uncertainties of the financial arrangements for the capital master plan as whole, it is premature to make a recommendation on the issues of the layout of additional conference rooms or the options for increasing parking space at Headquarters.**

17. A summary of the status of appropriations and expenditures for the capital master plan is given in paragraphs 51 to 56 of the progress report (A/59/441). In its resolution 57/292, the General Assembly appropriated $25.5 million for the design development phase and commitment authority of $26 million for the biennium 2004-2005 for the construction document preparation phase of the capital master plan. The Advisory Committee notes that both phases are behind schedule by approximately one year; however, it is projected that they will be completed within the resource levels approved by the Assembly.

18. Actual expenditures in 2003 amounted to $3.205 million and the total projected expenditure for 2004 is estimated at $19.364 million. As at 31 July 2004, an amount of $9.582 million had already been committed towards the design phase. Upon request, the Advisory Committee was provided with a breakdown of the status of expenditures for the capital master plan as at 31 October 2004 (see annex). Details on the projected costs of the design development and construction documents phases are provided in tables 2 and 3 of the progress report.

19. As noted in paragraph 55 of that report, owing to the delay in implementation of the first two phases of the plan, the Secretary-General will need to provide for expenditure to be incurred in 2005 and 2006. He therefore proposes, in paragraph 57, converting an amount of $18,642,000 of the commitment authority of $26 million approved for the biennium 2004-2005 into an appropriation for the biennium 2004-2005 and extending the validity of the residual balance of the commitment authority in an amount of $7,358,000 into the biennium 2006-2007. **The Advisory Committee recommends approval of this proposal.**

Annex

Status of expenditures under the capital master plan as at 31 October 2004

	Pre-encumbrance	*Obligations*	*Disbursement*	*Total*
Biennium 2002-2003				
Contractual services	-	337.1	520.8	857.9
Support costs	-	9.7	1 781.9	1 791.6
Operating and other costs	-	-	556.0	556.0
Subtotal	-	**346.8**	**2 858.7**	**3 205.5**
Biennium 2004-2005				
Contractual services	44.6	11 828.0	64.6	11 937.2
Support costs	-	-	1 711.5	1 711.5
Operating and other cost	1.8	62.7	478.0	542.5
Subtotal	**46.4**	**11 890.7**	**2 254.1**	**14 191.2**
Total	**46.4**	**12 237.5**	**5 112.8**	**17 396.7**

United Nations A/59/557

General Assembly

Distr.: General
8 November 2004

Original: English

Fifty-ninth session
Agenda item 108
Programme budget for the biennium 2004-2005

Conditions of service and compensation for officials other than Secretariat officials

Members of the International Court of Justice

Judges of the International Criminal Tribunal for the Former Yugoslavia

Judges of the International Criminal Tribunal for Rwanda

Ad litem judges of the International Criminal Tribunal for the Former Yugoslavia

Ad litem judges of the International Criminal Tribunal for Rwanda

Report of the Advisory Committee on Administrative and Budgetary Questions

1. The Advisory Committee on Administrative and Budgetary Questions has considered the report of the Secretary-General on the compensation and conditions of service of the members of the International Court of Justice, the judges of the International Criminal Tribunal for the Former Yugoslavia, the judges of the International Criminal Tribunal for Rwanda, the ad litem judges of the International Criminal Tribunal for the Former Yugoslavia and the ad litem judges of the International Criminal Tribunal for Rwanda (A/C.5/59/2). During its consideration of the report, the Committee met with representatives of the Secretary-General, who provided additional information and clarification.

2. The report of the Secretary-General is submitted pursuant to the decision of the General Assembly to review the conditions of service and remuneration of the members of the International Court of Justice, the judges of the International

04-59703 (E) 091104

Criminal Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda and the ad litem judges of the International Criminal Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda at its fifty-ninth session (para. 2 of General Assembly resolution 56/285 of 27 June 2002).

3. The report provides the background, details and evolution of the remuneration and conditions of service of the members of the International Court of Justice (paras. 4-44), of the judges of the International Criminal Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda (paras. 45-65) and of the ad litem judges (paras. 66-83). In section IV of the report (paras. 84-97), the Secretary-General provides a review and makes several recommendations. Section V (para. 98) provides the financial implications should the General Assembly approve the proposals contained therein.

4. As regards the issue of remuneration, the Advisory Committee notes that the current annual emoluments of the members of the Court, the judges of the International Criminal Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda and the ad litem judges remain at $160,000, since January 1999. The floor/ceiling mechanism, whose introduction by the International Civil Service Commission (ICSC) dates from 1987, continues to be applied to protect their salaries against a weakening/strengthening of the United States dollar, since the formal introduction of the euro, beginning 1 January 2002. The Committee recalls that the floor/ceiling rates are set at 4 per cent below and 4 per cent above the average exchange rate of the euro vis-à-vis the United States dollar of the previous year.

5. The Secretary-General, in paragraph 88 of the report, proposes to increase the annual emoluments of the members of the Court, the judges of the International Criminal Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda and the ad litem judges from $160,000 to $177,000 effective 1 January 2005. The 10.6 per cent increase proposed takes into account the 6.3 per cent increase in the salary scale approved by the General Assembly in its resolutions 57/285 of 20 December 2002 and 58/266 of 23 December 2003, as indicated in paragraph 86 of the Secretary-General's report, and the diminution of 4.35 per cent in real value in the salaries of the judges, owing to the increase in the cost of living in the Netherlands. The application of the floor/ceiling mechanism would continue to be applied.

6. **Taking into account the fact that the last salary revision by the General Assembly of the emoluments of the members of the Court and the judges of the Tribunals took place in 1999, the loss in real value indicated in paragraphs 85 and 88 and the increase in the base salaries of staff at the Under-Secretary-General level approved by the Assembly in its resolutions 57/285 and 58/266, as shown in paragraph 86, the Advisory Committee recommends that the annual salary of the members of the Court be set at $177,000 effective 1 January 2005. However, the Committee finds a number of uncertainties with regard to the current system, since the cost of living does not fluctuate evenly at all places where the judges of the International Court of Justice and of the Tribunals sit. The Secretary-General should be requested to make proposals for the future which would take this factor into account.**

7. As to the other conditions of service, the Secretary-General is proposing to extend to the members of the Court and the judges of the Tribunals the increase in

the level of the education grant (including that for disabled children), applicable to staff in the Professional and higher categories, approved by the General Assembly, effective 1 January 2003, in section I.E of its resolution 57/285, as from the school year in progress on 1 January 2003. **The Advisory Committee has no objection to this proposal.**

8. Regarding retirement benefits, the annual retirement benefit of a member of the Court retiring in 2005 would increase from $80,000 to $88,500 per annum, effective 1 January 2005. At the same time, the retirement benefit of the judges of the Tribunals would increase from $35,500 to $39,272 per annum. This is consequential to the proposed increase in the salaries of the members of the Court and the judges of the Tribunals to $177,000 (see para. 6 above) and is pursuant to the decision of the General Assembly contained in section VIII of its resolution 53/214 of 18 December 1998, which set the retirement pension for the members of the International Court of Justice at half the annual salary.

9. In paragraph 95 of his report, the Secretary-General indicates that based on the proposed increase in the base salary of the members of the International Court of Justice, it is recommended that pensions in payment be increased by 10.6 per cent, effective 1 January 2005. **In view of its recommendation in paragraph 6 above, the Advisory Committee has no objection with this proposal.**

10. In the same paragraph, the Secretary-General further indicates that consideration should be given to applying a floor/ceiling mechanism to pensions in payment to former judges and their survivors residing in the euro zone countries to protect the level of their pensions. However, the Committee is of the opinion that the approach proposed is too narrow, taking into account that the Registrar of the Court, in the letter addressed to the Secretariat in April 2004, indicates the drastic deterioration in value that often results "both in Europe and other non-United States dollar zones" (see A/C.5/59/2, para. 44).

11. **The Advisory Committee therefore recommends further elaboration of this proposal, including consideration of other options that could protect the pensions in payment to former judges and their survivors. Moreover, the Committee is of the opinion that the Secretariat should avail itself of the experience of ICSC in applying floor/ceiling arrangements to salaries. The results of such a review should be presented to the General Assembly at its resumed fifty-ninth session.**

12. Paragraph 98 of the Secretary-General's report contains the financial implications, should the General Assembly approve the proposals of the Secretary-General with regard to the increase in annual salary, additional pension payments in respect of former judges and the widows of judges and the costs related to the increase in the education grant mentioned in paragraphs 6, 7 and 9 above, which would amount to an estimated $1,041,200. Since the estimated requirements are seen as related to inflationary adjustments, they would be reported in the context of the performance report for the biennium 2004-2005.

United Nations A/59/558

General Assembly

Distr.: General
8 November 2004

Original: English

Fifty-ninth session
Agenda item 108
Programme budget for the biennium 2004-2005

Information and communications technology strategy

Strengthening the Department of Public Information, within the existing capacity, in order to support and enhance the United Nations web site in all official languages of the Organization: status of implementation

Report of the Advisory Committee on Administrative and Budgetary Questions

1. The Advisory Committee on Administrative and Budgetary Questions has considered the reports of the Secretary-General on the progress in implementing the information and communications technology (ICT) strategy (A/59/265) and on the status of strengthening the Department of Public Information, within the existing capacity, in order to support and enhance the United Nations web site in all official languages of the Organization (A/59/336). During its consideration of the items, the Committee met with representatives of the Secretary-General, who provided additional information.

Information and communications technology strategy

2. The report of the Secretary-General on the information and communications technology strategy was submitted pursuant to paragraph 46 of General Assembly resolution 58/270 of 23 December 2003. The report summarizes the outcome of work during the past year on the implementation of initiatives related to four main elements, identified as "building blocks" of the ICT strategy, and on the strengthening of the governance aspects of the strategy. It also provides information on the impact of investment in ICT on the operations of the United Nations (A/59/265, paras. 1-3). An updated status of implementation of the major ICT projects, initially described in the report of the Secretary-General to the General Assembly at its fifty-seventh session on the ICT strategy (A/57/620), is included in the annex to document A/59/265. The Advisory Committee welcomes the report.

3. Paragraphs 4 to 25 of document A/59/265 discuss the above-mentioned matters under the following subjects:

(a) Infrastructure at Headquarters and at offices away from Headquarters;

(b) ICT security policies and provisions to ensure business continuity and emergency preparedness;

(c) Connectivity to and from all the offices away from Headquarters, including the International Tribunals for Rwanda and for the Former Yugoslavia;

(d) Capacity-building and efficient utilization of skilled human resource base;

(e) Framework for institutional governance of the ICT processes;

(f) Inter-agency ICT activities, including the development of a comprehensive ICT strategy for the United Nations system;

(g) Return on investment of the individual ICT projects.

4. With regard to the project of the Office of Human Resources Management entitled "Galaxy-R2", whose objective as a web tool is, inter alia, to enable human resources practitioners and programme mangers to review applications to vacant posts on the Internet, the Advisory Committee enquired as to the status of the development of screening and filtering mechanisms. The Committee was informed that the ability to conduct structured searches of candidates based on years of experience, gender, geography (nationality) and the capacity to conduct advanced search by key words from the candidates free text area of work experience were made available to human resource case officers in April 2003. This search capability, which provides screening and filtering mechanisms to assist programme managers in selection of candidates, is also being provided to the programme case officers with the release of Galaxy-R2 in the fourth quarter of 2004.

5. On a related matter, the Advisory Committee was informed that the Communications and Information Technology Service and the Personnel Management and Support Service of the Department of Peacekeeping Operations had completed development of the roster management capacity for mission positions through the integration of Galaxy and Nucleus to facilitate the selection by the Personnel Management and Support Service of candidates for start-up missions. Additionally, at present the Office of Human Resources Management and Department of Peacekeeping Operations are developing the capacity to support the identification of prior vacancies with matching characteristics of occupational group, grade level and functional title. By utilizing that functionality, Galaxy will be able to automatically assign candidates to the current vacancies, thereby speeding up the selection process. The prototype of the vacancy matching has been completed by the Office, and it is expected that an initial release will be completed by the end of 2004.

6. The Advisory Committee notes the progress made on inter-agency ICT activities discussed in paragraph 21 of document A/59/269. The Committee had endorsed the view of the Board of Auditors that a comprehensive, United Nations-wide initiative should be undertaken to coordinate efforts on ICT strategy and developments (see A/59/400, paras. 16 and 41). The Committee notes that in coordination with the ICT Task Force of the United Nations System Chief

Executives Board for Coordination (CEB) and the CEB secretariat, the Information Technology Services Division is collaborating with other organizations of the United Nations system in the development of a comprehensive ICT strategy for the United Nations system.

7. The Advisory Committee was informed that the high-level goals of the United Nations system ICT strategy are the following:

(a) Setting out a vision to harness the power of the United Nations system, acting in harmony in ICT matters for the benefit of all stakeholders;

(b) Harmonizing efforts, standardization and investments, and avoiding duplication, leading to significant system-wide savings;

(c) Improving effectiveness and efficiency of services to Member States and governing bodies of the United Nations system organizations;

(d) Contributing into achieving the Millennium Development Goals and bridging the digital divide.

8. The Advisory Committee was informed that the strategy for implementation focused on five areas and identified 15 business cases, each considering and defining the problem, the opportunity, the target position, advantages and constraints, the time frame, the proposed action plan and its sustainability, as follows:

Areas of strategy	*Related business cases*
ICT in development	• ICT integration in development programmes
	• United Nations ICT services sourcing strategy
	• ICT development network
ICT best practices	• ICT governance and best practice
	• Business case preparation and costing
Information security	• Information security, disaster recovery and business continuity
	• United Nations-wide public key infrastructure
Implementation	• Enterprise resource planning systems
	• Common application solutions
	• Open source software
	• Knowledge sharing
	• Web management and content
	• United Nations system directory
	• ICT assets; procurement and disposal
Sustainability	• Training

9. The Advisory Committee recalls that it joined with the Board of Auditors in its recommendation that a more proactive approach needed to be taken in the coordination of ICT efforts in the United Nations and its funds and programmes so as to ensure that the approach taken was cost-effective and met the requirements of organizations and Member States (see A/59/400, para. 42). In this connection, the Committee was informed that some important considerations were: (a) while the Information Technology Services Division had assumed a role of the lead agency in several ICT initiatives launched within the United Nations system, the current strategy did not intend to overlap with each organization's individual ICT strategic framework; (b) the programmatic alignment of the strategy with objectives that were common to all organizations of the United Nations system and not specific to individual organization; and (c) the investments that might be required to implement the strategy should be offset by the benefits achieved through expected cost-reduction.

10. The Advisory Committee was informed that the Secretariat closely follows the development of the Enterprise Resource Planning systems in the United Nations funds and programmes as well as in the United Nations specialized agencies, both in terms of functionality and technology. As an alternative to the Integrated Management Information System was not likely to be imminently available, the System was being kept current with modifications to its technology to replace some of its obsolete technical components and to extend its technological lifespan.

11. The Advisory Committee was informed that although aggregate figures on the positive return of ICT investments could not yet be produced, the methodology and mechanism in place would allow the quantification of the return on investment at the individual project level. The annex to document A/59/265 includes information at the project level on benefits of introducing technology in the operations of the United Nations, identified as support for decision-making process, levering past investments, process streamlining and service improvements.

12. Furthermore, on the matter of quantification of return on investment, the Advisory Committee was also informed that, at the time of preparation of the proposed programme budget for the biennium 2004-2005, the Programme Planning and Budget Division had made an attempt to identify efficiency gains and savings arising from investment in information technology, organizational improvements and other initiatives. Such savings were identified within 17 sections of the proposed programme budget for a total estimated savings of $33.3 million. This was reported to the Advisory Committee in July 2003. An analysis of the efficiency gains arising from the investment in information technology made at that time showed that gains were primarily in the administrative and conference services area. These gains in some cases enabled programme managers to accommodate a higher level of workload with the same or smaller capacity; in other cases, programme managers were able to redeploy resources released as a result of such efficiencies to other areas.

13. The Advisory Committee was further informed that it was the intention to continue with the identification of returns on investment in ICT initiatives in the context of the proposed programme budget for 2006-2007. As envisaged in the Secretary-General's bulletin ST/SGB/2003/17, the Project Review Committee has been established under the Information and Communications Technology Board, with the purpose of ensuring that ICT standards are uniformly applied to all ICT

initiatives. Departments and offices are expected to prepare and submit to the Project Review Committee a high-level business case for every ICT initiative and to provide justification for undertaking the ICT initiative, to estimate the cost of the project, to identify risks and to summarize its benefits and return on investment. In order to align the budget process with these initiatives, all requests submitted to the Programme Planning and Budget Division for additional resources for new ICT projects in the biennium 2006-2007 involving costs in excess of $200,000 per business case will need to be accompanied by a copy of the pertinent business case, carrying the recommendations of the Project Review Committee. Upon compilation of all projected initiatives, it will then be possible for the Programme Planning and Budget Division to estimate an overall return on investment embodied into the proposed programme budget for 2006-2007.

14. The Advisory Committee notes that interdepartmental joint operations are leveraging the investment made in infrastructure. Joint operations of the Department of Peacekeeping Operations and the Information Technology Services Division are expected to result in a reduction in overall support costs (see A/59/265, para. 11). The Committee was informed that to take advantage of time difference between Headquarters and the United Nations Logistics Base at Brindisi, Italy, a "follow-the-sun" approach was being implemented on network operations. This included two aspects: (a) it allowed the utilization of the available network bandwidth at one site during night-time by a duty station located at a different time zone; and (b) it allowed network support staff resources working during the day at Brindisi and/or New York to monitor server and network operations and to resolve problems in the other computer centre, ensuring 24-hour availability.

15. The approach mentioned above is most prominently used for "help desk services" and Internet access. The help desks for Department of Peacekeeping Operations users and field missions are being serviced by staff operating at both Brindisi and Headquarters. Trained personnel can thus provide for help desk service during an additional six-hour window without resorting to overtime or night differential. The provision of Internet services to offices away from Headquarters serviced by satellite links (the United Nations Office at Nairobi, the Economic Commission for Africa and the Economic and Social Commission for Western Asia), is optimized to take advantage of the lightly used Internet capacity available at Headquarters outside the New York working hours. Advanced plans for setting up a mirror site of the United Nations web site (www.un.org) in the United Nations Logistics Base at Brindisi will provide users with better service and minimized redundancies in case of down time or failure of either of the two sites. This service will, in the future, be part of a larger disaster recovery plan of the Department of Peacekeeping Operations that will be finalized in the second quarter of 2005.

16. The Advisory Committee sought clarification on the upgrading of the local area network and requested information on reasons why new multimedia applications and other enhancements could not be targeted in a cost-effective manner to selected users. The Committee was informed that the upgrade of the local area network was required to provide increased strength and stability to network operations. As a result of the upgrade, down time had been reduced significantly, leading to the achievement of the availability goal of 99.5 per cent. The network will be capable to support multimedia applications wherever they are required. Specific requests for desktop videoconferencing capabilities have already been received from the Department of General Assembly and Conference Management,

the Department of Public Information and the Office of Programme Planning, Budget and Accounts/Programme Planning and Budget Division to support a more efficient production of documents and audio-visual content. In this connection, the Committee was informed that the targeting of this upgrade to specific desktops would not have resulted in cost reductions. Implementing multiple transmission protocols over the same network requires dual switching and routing equipment and makes maintenance and management more costly and complex. However, their implementation speeds up and simplifies business processes throughout the Secretariat, allowing for the accommodation of a higher workload with the same or less level of resources.

17. **The Advisory Committee recommends that the General Assembly take note of the progress report of the Secretary-General on implementing the information and communications technology strategy.**

18. The Advisory Committee enquired about the steps taken to reduce the number of existing e-mail systems in various entities of the Secretariat by adopting one single common system for the United Nations. The Committee was informed that the International Computing Centre at Geneva, at a recent meeting of its Management Committee, had been tasked with developing a proposal, including projected costs, for hosting and managing a global e-mail system. The Centre is currently working on this issue.

United Nations web site

19. The report of the Secretary-General on the status of strengthening the Department of Public Information, within the existing capacity, in order to support and enhance the United Nations web site in all official languages of the Organization (A/59/336) was submitted pursuant to paragraph 42 of General Assembly resolution 58/270, in which the Assembly recalled its decision 57/579 of 20 December 2002 and requested the Secretary-General to continue to strengthen the United Nations web site through the further redeployment of resources to the required language posts and to report on the status of its implementation to the Assembly at its fifty-ninth session. In its decision 57/579, the Assembly requested the Secretary-General to proceed with the implementation of his proposal on strengthening the web site through the redeployment of resources within the Department of Public Information, to keep the question of equality among the six official languages on the web site under review and to submit proposals aimed at achieving full equality among the languages.

20. Existing resources to make the web site operational and to ensure its continued enhancement and maintenance are discussed in paragraphs 4 and 5 of document A/59/336. Currently, the staff of the Website Section comprises 25 posts (1 P-5, 3 P-4, 6 P-3, 3 P-2 and 12 General Service posts) redeployed from other functions and activities of the Department of Public Information. In addition, three General Service (Other level) staff work in the Section under general temporary assistance. The Advisory Committee was provided, upon request, with a list of current staffing broken down by web site language assignment (see the annex to the present report).

21. The Advisory Committee notes from paragraph 8 of document A/59/336 that the Department of Public Information has taken steps to enhance the web site and facilitate the availability of materials in all official languages by entering into

arrangements with universities in various linguistic regional areas for pro bono translation of information materials. **The Committee welcomes these arrangements and encourages the Department of Public Information to continue this work.**

22. Current workload and future requirements of the Website Section are discussed in paragraph 6 to 11 of the report of the Secretary-General. The Advisory Committee will revert to this matter and examine the proposals of the Department of Public Information in the context of the proposed programme budget for the biennium 2006-2007.

23. **The Advisory Committee recommends that the General Assembly take note of the report of the Secretary-General on the United Nations web site.**

Annex

Current staffing of the Website Section, News and Media Division, Department of Public Information

Function	*Title*	*Level*	*Number*
Office of the Chief	Chief of Section	P-5	1
	Secretary	GS	1
Website Language Unit	Office of the Chief	P-4	2
Arabic	Language Coordinator	P-3	1
	Language Assistant	GS	1
	Language Assistant	GS*	1
Chinese	Language Coordinator	P-3	1
	Language Assistant	GS	1
	Language Assistant	GS*	1
English	Language Coordinator	P-3	-
	Language Assistant	GS	2
French	Language Coordinator	P-3	1
	Language Assistant	GS	2
Russian	Language Coordinator	P-3	1
	Language Assistant	GS	2
Spanish	Language Coordinator	P-3	1
	Language Assistant	GS	1
	Language Assistant	GS*	1
Special Projects Unit	Chief, Special Projects Unit	P-4	1
	Website Coordinator	P-3	1
Web Development and Webcasting Unit	Acting Chief, Web Development	P-2	1
	Website Designer	P-2	1
	Database Developer	P-2	1
	Web Development Assistant	GS	2
		P	**13**
	Total (25 established posts and 3 temporary)	**GS**	**12**
		GS*	**3**

GS* — General Service post funded under general temporary assistance.

United Nations A/59/559–S/2004/890

General Assembly
Security Council

Distr.: General
9 November 2004

Original: English

General Assembly
Fifty-ninth session
Agenda items 36 and 148

Security Council
Fifty-ninth year

The situation in the Middle East

Measures to eliminate international terrorism

Identical letters dated 8 November 2004 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General and the President of the Security Council

I wish to draw your attention to the latest violations of the Blue Line from Lebanese territory. Yesterday morning, a Hizbulla unmanned air vehicle (UAV) breached Israeli airspace in the Western Galilee. This follows an incident on 28 October 2004, when a Katyusha rocket was fired from Alma a-Shaab into Israeli territory, the latest in a series of similar recent attacks, including a rocket attack launched against Israel from Yamini Al-Jabin on 9 October, as well as others in June and April of this past year.

These incidents are yet the latest in a series of wilful attacks carried out against Israel by terrorist organizations like Hizbulla, which operate freely from Lebanese jurisdiction, and with Syrian and Iranian sponsorship.

In May 2000, Israel withdrew completely from Lebanon, in full and confirmed compliance with Security Council resolution 425 (1978). Since that time, these acts of aggression against Israelis have continued, enabled by the complicity of the Government of Lebanon, and with the support of the Syrian and Iranian regimes that have long sponsored, trained and financed these terrorist groups. Such actions represent a direct negation of obligations under international law and the provisions of Security Council resolutions, including resolutions 425 (1978), 426 (1978), 1310 (2000), 1337 (2001) and 1373 (2001). The failure of the Government of Lebanon to restore peace and security, ensure the return of its effective authority and prevent cross-border attacks from its territory in grave violation of these obligations is the direct cause of instability in the area.

Lebanon and other terrorist-sponsoring regimes in the region are not absolved of their legal obligations to fight terrorism, like any other State, as part of the global campaign against international terrorism. Israel once again calls upon the international community to expect nothing less than full compliance.

04-59928 (E) 091104

I should be grateful if you could arrange to have the latest incidents of this dangerous series of attacks outlined in the monthly report to the Security Council by the Secretary-General's representative, and to have the text of this letter circulated as an official document of the fifty-ninth session of the General Assembly, under agenda items 36 and 148, and of the Security Council. An identical letter is being submitted to the President of the Security Council.

(*Signed*) Dan **Gillerman**
Ambassador
Permanent Representative